

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI (100-447251)

DATE: 7-22-75

FROM : Legat, Rome (88-55) (P *)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I.O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

ReROMlet dated 3-27-75. DATE 10-07-2003 BY 60322/UCLRP/PJ/EHL

As of 7-21-75 sources of Legat Rome have not furnished any information relating to CLEAVER.

Stops remain in effect and any information of a positive nature which may be developed will be furnished to the Bureau promptly.

REC-2 100-447251-1280
EX-106

9 JUL 29 1975

FUG. ST.

FIVE

- (5) - Bureau -
(1 - Foreign Liaison)
(2 - San Francisco 88-12329)
1 - Rome
TJB:hcs
(6)
- 200-57/1070 + 101-337
100-5771
100-5771
1-30-75



4 AUG 2 1975

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR FBI (100-447251)

FROM : SAC SAN FRANCISCO (157-4324) (C)

SUBJECT: LEROY ELDRIDGE CLEAVER aka -

DATE: 8/25/75

FUGITIVE
I.O. # 4239
Wanted Flyer # 447
EM - BPP; UFAC -
ASSAULT WITH INTENT TO
COMMIT MURDER;
THREAT AGAINST THE PRESIDENT
OF THE UNITED STATES
OO: San Francisco

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-07-2008 BY 60322/UOLRP/PJ/EHL

Re New York letter and LHM to the Bureau dated
6/24/75.

LEROY ELDRIDGE CLEAVER, Negro male, born 8/31/35,
at Little Rock, Arkansas, is the titular head of the Black
Panther Party - Cleaver Faction (BPP-CF), having established
the Cleaver Faction after his break with the NEWTON-SEALE
faction of the BPP. CLEAVER fled the United States in 1968
after a shootout with the Oakland, California, Police
Department. He currently resides at 19 Quai de Bourbon,
Paris 4, France, with [redacted] and [redacted].
CLEAVER's political activities and influence since leaving
the United States have continued to decline.

San Francisco maintains two files on CLEAVER, SF
157-4324 and 88-12329. CLEAVER is currently on the ADEX
because of his violent past. SF 157-4324 was opened 8/15/69,
SF 88-12329 was opened 12/4/68. San Francisco feels that
investigation could better be handled out of the 88 file
inasmuch as there have been no reported subversive or
extremist statements or actions on the part of CLEAVER in
over two years. To continue to maintain two files on
CLEAVER is an unwarranted duplication.

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REC 22 EX-106

AUG 28 1975

- 2 - Bureau (RM)
3 - San Francisco
(1 - 157-4324)
(1 - 88-12329)
(1 - 157-1057)

AWB/sdc (S-6)
(5)

SF 157-4324
AWB/sdc

CLEAVER has admitted in recent interviews that because of his travels to communist countries he feels that the United States has the best system of government and he has renounced the overthrow of the United States Government by any means but feels that the United States political system should be perfected and fully developed rather than destroyed.

Newspaper accounts concerning CLEAVER report that he is currently seeking funds to organize a corporation, "Cleaver Unlimited", to promote the sale and distribution of his newly designed men's trousers which CLEAVER states emphasizes verility.

There is no information to indicate that CLEAVER is an active participant in the policy making activities in a structured and disciplined subversive or extremist organization. Accordingly, San Francisco is closing SF 157-4324. Recommendations for CLEAVER's removal from the ADEX have been made by FD-122.

~~SECRET~~

FD-263 (Rev. 12-19-67)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE SAN FRANCISCO	OFFICE OF ORIGIN SAN FRANCISCO	DATE 9/8/75	INVESTIGATIVE PERIOD 12/5/73 - 7/16/75
TITLE OF CASE LERROY ELDRIDGE CLEAVER aka - FUGITIVE I.O. # 4239 W.F. # 447		REPORT MADE BY [Redacted]	TYPED BY sdc
		CHARACTER OF CASE EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT MURDER AND RAPE, ASSAULT WITH A DEADLY WEAPON	

REFERENCE: San Francisco airtel and LHM to the Bureau dated 5/6/75.

- P -

ADMINISTRATIVE:

Two copies of FD-376 are stapled to copies of this report.

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION

AUTHORITY DERIVED FROM:

FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1, 6)

DATE 10-27-2008

~~CONFIDENTIAL~~

classified by 7087

empt from GDS, Category 2

Level of Declassification: Indefinite

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b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

ACCOMPLISHMENTS CLAIMED						<input type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			
								PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED

CW/B

10

SPECIAL AGENT
IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE:

- ⑤ - Bureau (100-447251) (RM)
- 1 - Secret Service, San Francisco (Class 7) (RM)
- 2 - San Francisco (88-12329) (1 - 157-1057)

100-447251-1282

REG 22

SEP 15 1975

EX-110

Dissemination Record of Attached Report

Agency	<i>1-CRIM(155); SS; State</i>
Best Recd.	
Fwd.	<i>10/6/75</i>
Fwd.	<i>4/6/81 R/S VRT/ma</i>

Notations

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~~SECRET~~

DO NOT CLASSIFY

OCT 10 1975 Ce 4077ph COVER PAGE

~~SECRET~~

SF 88-12329
AWB/sdc

Negative contacts with San Francisco and New York
extremist sources for information concerning CLEAVER have been
omitted in this report in the interest of brevity.

SOURCES

(S)

[Redacted Source Information]

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(S)

Third source is the Special Consular Service,
American Embassy, Paris, France.

This report is classified "~~Confidential~~" inasmuch
as information received from Legat Paris was so classified.

LEAD

SAN FRANCISCO

AT SAN FRANCISCO, CALIFORNIA. Will maintain
stops and contacts with appropriate sources for information
concerning CLEAVER's activities.

~~SECRET~~

B*

COVER PAGE



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

September 8, 1975

Director
United States Secret Service
Department of the Treasury
Washington, D. C. 20220

In Reply, Please Refer to
File No. SF 88-12329

RE: LEROY ELDRIDGE CLEAVER

Dear Sir:

The information furnished herewith concerns an individual or organization believed to be covered by the agreement between the FBI and Secret Service concerning protective responsibilities, and to fall within the category or categories checked.

1. ☐ Threats or actions against persons protected by Secret Service.
2. ☐ Attempts or threats to redress grievances.
3. ☐ Threatening or abusive statement about U. S. or foreign official.
4. ☐ Participation in civil disturbances, anti-U. S. demonstrations or hostile incidents against foreign diplomatic establishments.
5. ☐ Illegal bombing, bomb-making or other terrorist activity.
6. ☐ Defector from U. S. or indicates desire to defect.
7. ☒ Potentially dangerous because of background, emotional instability or activity in groups engaged in activities inimical to U. S.

Photograph ☒ has been furnished ☐ enclosed ☐ is not available.

Very truly yours,


Clarence M. Kelley
Director

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-07-2003 BY 60322/UCLRP/PJ/EHL

1 - Special Agent in Charge (Enclosure(s)) 1
U. S. Secret Service, San Francisco (RM)

Enclosure(s) 1

~~SECRET~~UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION~~CONFIDENTIAL~~Copy to: 1 - U.S. Secret Service, San Francisco
(Class 7) (RM)

Report of: [REDACTED]

Office: SAN FRANCISCO, CALIFORNIA

Date: 9/8/75

Field Office File #: 88-12329

Bureau File #: 100-447251

Title: LEROY ELDRIDGE CLEAVER
I.O. # 4239
W. F. # 447ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISEb6
b7CCharacter: EXTREMIST MATTERS - BLACK PANTHER PARTY; UNLAWFUL FLIGHT TO
AVOID CONFINEMENT - ASSAULT WITH INTENT TO COMMIT MURDER AND
RAPE, ASSAULT WITH A DEADLY WEAPON.

XXXXXX

Synopsis:

Foreign sources have not received any information indicating that CLEAVER has transited Italy, Greece, Turkey or Cyprus. CLEAVER reportedly tried in 1973 to immigrate to Australia and Canada. Efforts were made on his behalf in 1973 to obtain permanent residence status in France for CLEAVER and [REDACTED]. [REDACTED] CLEAVER and [REDACTED] were given French residence permits after the inauguration of the current French President VALERY GISCARD D'ESTAING in June 1974. CLEAVER and [REDACTED] currently reside at 19 Quai de Bourbon, Paris 4, France. CLEAVER stated during interview with news media that he desires to return to the United States. He recently publicized a new men's pants design which he states he has an international patent on. There is no reported information to indicate CLEAVER has again been issued a French residence permit.

- P -

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1, 6)
DATE 10-07-2008

DETAILS:~~SECRET~~~~CONFIDENTIAL~~

Classified by 7087

Exempt from GDS, Category 2

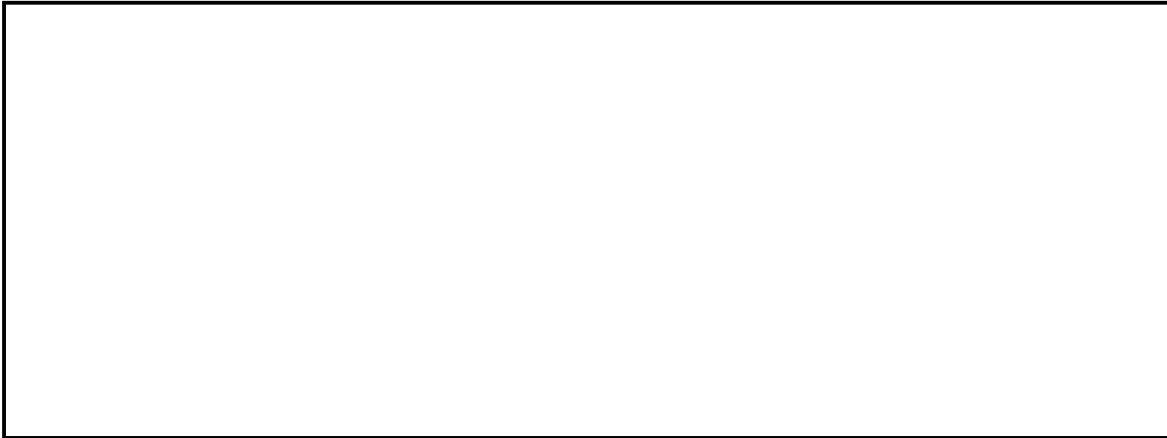
Date of Declassification: Indefinite

~~SECRET~~

SF 88-12329
AWB/sdc

As of December 5, 1973, our sources in Italy, Greece, Turkey and Cyprus have not received any information that CLEAVER has transited these areas in an effort to re-enter the United States.

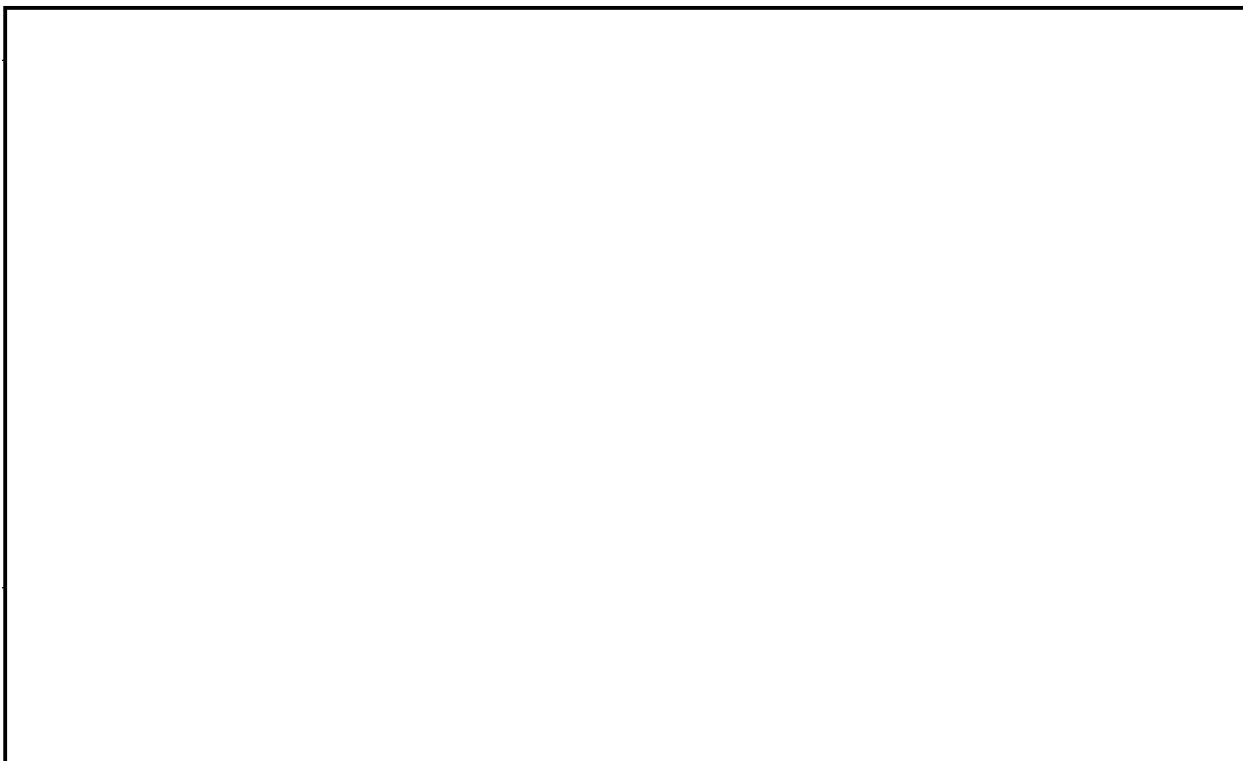
(S)



It was determined that no visa applications from individuals meeting the description of the CLEAVERS were currently pending and that there was no indication that any inquiry had been made on behalf of any unidentified American blacks.

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SF 88-12329
AWB/sdc

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The following article appeared in the March 10, 1975, issue of the "Oakland Tribune" newspaper, Oakland, California:

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(Mount Clipping in Space Below)

Cleaver Says He Wants to Return Home

Cleaver Wants To Come Home

Former Black Panther Party leader Eldridge Cleaver, in exile since he left the country rather than return to prison for parole violation in 1978, wants to return to the United States and work within the system he once decried. *Newsweek* magazine reported today.

The magazine, which interviewed Cleaver in Paris, said the erstwhile black revolutionary leader has given up his beard and many of his ideas.

"I haven't gone from being a Marxist-Leninist to being a fascist," he is quoted as saying, but he added that after visiting several Communist countries he now finds the Marxist view of the world "static," believes the Soviet Union "would really prefer that the U.S. cease to exist" and thinks the United States needs a strong defense.

Cleaver told the magazine he is willing to return and stand trial on an assault charge stemming from a shootout in April of 1968 between the Panthers and Oakland police, but only if he can stay out of jail until the end of the trial.

His American attorney, Charles Garry of San Francisco, is quoted as saying that possibility "doesn't look good."

Newsweek said Cleaver is optimistic about America and its ability to change in the aftermath of the Watergate disclosures, and quoted him as saying the back-to-Africa movement was impractical for American blacks.

During his exile in Algeria, which he left under duress in 1973, Cleaver said he found that a "cultural chasm" separated him from the Algerians. He said he still sympathizes with the Palestinian cause, but that "we learned what some of these (Arab) governments were doing. It's more complicated than we thought it was."

The 33-year-old Cleaver, whose wealth from his best-selling book, "Soul on Ice," remains in the United States, has been living quietly with his wife and two children in Paris for two years.

The French government at first rejected his plea for political asylum after he left Algeria, but he was allowed to stay in France after 80 prominent French personalities, including philosopher Jean-Paul Sartre and socialist leader Francois Mitterand, signed an appeal on his behalf.

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On Saturday, March 22, 1975, Leroy Eldridge Cleaver and his wife Kathleen Cleaver were interviewed via a conference telephone hook-up from San Francisco, California, to Paris, France. Cleaver had previously stated in an interview with "Newsweek" magazine that he wants to return to the United States. Cleaver's interview on March 22, 1975, was part of Perspective III, a San Francisco television station, Channel 7, local programming which is usually concerned with current events and personalities. Perspective III in studio guests were Charles Garry, Cleaver's attorney in San Francisco, and Reginald Majors, a long time Cleaver friend and free lance writer. The program was moderated by Dwight Casmer, a Channel 7 television personality. Viewers were invited to call in with questions for Cleaver, however, this proved difficult because of trying to tie the viewer into the conference call.

Garry stated during the interview that if Cleaver returns to the United States he will have to go to jail as a parole violator and subsequently stand trial for a shootout with the Oakland Police Department, Oakland, California, on April 6, 1968. Garry stated Cleaver originally left the United States because he did not want to go to jail as a parole violator before standing trial for the shootout with the Oakland Police Department. Garry stated further that Cleaver did not feel that he had done anything to have his parole violated.

Garry stated that Cleaver will return to the United States only if assurances are given that his parole board will not place him in jail before he stands trial. Garry mentioned that Cleaver is a Federal fugitive, however, he stated the Federal fugitive charge is a "paper" charge and has no real meaning to it.

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LEROY ELDRIDGE CLEAVER

Cleaver stated during the question and answer interview that he wishes to return to the United States and stand trial in Alameda County, California, for the April 6, 1968, shootout providing he is not "slapped in prison first".

Cleaver stated he does not believe the American people would think of him as a crazy man spouting paranoid scare theory because a lot of people recognize that things they were saying about the practice of the United States government were things that were happening at the time Cleaver said they were happening.

Cleaver stated he has not gone soft on the United States system or compromised his principals but instead has "recognized realities". Cleaver feels that there are some serious shortcomings in the Marxist-Leninist theory in practice. Cleaver stated he bases his feelings on experience with Cuba, the Soviet Union, China, North Korea and throughout Eastern Europe, where each country is governed by repressive, dictatorial and authoritarian regimes that are not responsive to the people and have no machinery for bringing the wheel of the people into the decision-making process. Cleaver feels that the American people would not find this system of government acceptable. Cleaver stated that a lot of people who consider themselves progressive and have adopted the Marxist-Leninist theory can still be aggressive people without endorsing a lot of things which are really unacceptable.

Moderator Dwight Casmer had previously taped interviews with people on the street in San Francisco and asked them if they thought Leroy Eldridge Cleaver should be allowed to come home without going to jail as a parole violator. The tape was played to Cleaver during the program. Five people interviewed felt Cleaver should go to jail if he returns to the United States and three people interviewed felt he should be able to come back to the United States without penalty of going to jail before trial.

Kathleen Cleaver, Eldridge Cleaver's wife, stated during the question and answer interview that she left the United States in May 1969, seven months pregnant. She gave birth to a son, Rafael, in July 1969, and gave birth to a daughter, Joju, in July 1970. She stated the major bulk of her activities while in exile with her husband have been those of a mother. She stated she was politically active as much

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LEROY ELDRIDGE CLEAVER

as possible in the International Section of the Black Panther Party (BPP) doing most of the translating of BPP matters from English to French. She stated she did other work in communications, as well as travelled in Europe, Asia and Africa in making international BPP contacts, speeches, etc.

Characterizations of the BPP and the BPP-CF are attached in the appendix hereto.

Casmer asked Kathleen Cleaver if she would be the one to do the majority of the speaking, leg work and taking over "a lot" of the major up-front roles in being a spokesperson if and when she and Eldridge Cleaver returned to the United States. Kathleen Cleaver replied she had done that type of work before but preferred to see it coordinated and involving as many people as possible in order to get the most results from their activities.

An interviewer calling into the program asked Eldridge Cleaver if the United States system is so bad and the country is run so poorly why does he (Cleaver) want to return to the United States. Cleaver replied that he felt like a "fish out of dirty water" and wants to get back in. Cleaver stated that he feels revolutionary processes are at work in the United States but in a very quiet form; for instance, the destruction of the Nixon regime without armed revolution could not have happened in another country. Cleaver feels it is possible for fundamental changes (revolutionary) to take place within the United States in strictly an American form. Exactly what that form is he does not know. Cleaver stated that his role in changing United States society if he came back to the United States would be determined by the impact his statements and/or activities may have on his fellow man. He stated whatever impact his statements or activities would have on his fellow man would be his role in society; if his statements and activities were not relevant, then he would have no role.

Cleaver stated that he left the United States in 1968 and went to Cuba for 8 - 9 months and then to Algiers, Algeria, for four years and while there travelled quite widely, including North Korea, North Vietnam, China, through the Soviet Union several times, in and out of East European socialist countries and a few African countries. He stated that he met many people who are mostly associated with organizations. Cleaver stated that after all of his extensive

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LEROY ELDRIDGE CLEAVER

travels he has not seen a country that could offer the United States a model to go by; on the contrary, the United States could be a model for a lot of other countries in terms of developing democratic institutions. Cleaver feels that the only thing that socialist or so-called communist countries could teach the United States would be in terms of economic democracy in which there is a more even distribution of the national income. Cleaver feels that the United States is a political democracy.

Garry, Cleaver's attorney, stated he does not feel the United States is a political democracy but rather a quasi police state.

Cleaver stated that during his extensive travels he did not see any third world countries coming together in a common cause, instead, these third world countries were wrapped up in national self interest which was sometimes cloaked in words of solidarity.

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SF 157-12329
AWB/sdc

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A third source advised that telephonic inquiry was received at the American Embassy, Paris, France, from one [redacted] (phonetic), reportedly a Washington, D. C. attorney who is representing CLEAVER in his attempt to return to the United States. Source advised that [redacted] requested information concerning the identity of officials of the U. S. Department of Justice and the Office of the Attorney General for the State of California, whom he might contact to negotiate return of CLEAVER to the United States. No information is currently available to the source which would indicate that further efforts have been made by [redacted] to arrange the return of CLEAVER.

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The following article appeared in the August 12, 1975, issue of the "San Francisco Examiner":

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(Mount Clipping in Space Below)

Cleaver means business:

Revolutionary line of pants

By James A. Finebrock
Examiner Correspondent

PARIS — Eldridge Cleaver has gone capitalist — with a new design for trousers that he said will "restore the fullness of the male ego."

The self-exiled onetime Black Panther leader from Oakland was still using words like "revolutionary" and "revolutionize." But this time he was talking about pants.

He was tight-lipped about just how these garments will, as he put it, "help solve identity problems and sexual problems of males."

But he said they will be trademarked "Cleavers," and the company organized to market the design will be called "Cleaver Unlimited."

Cleaver took off on this new tangent by way of an ad in yesterday's Paris edition of the New York Herald Tribune.

"Eldridge Cleaver seeking legitimate business associates to finance and organize marketing of his revolutionary design in male pants, underwear, swimming suits," it read.

"Designed to revolutionize men's fashion and corner world market. Millions in profits envisioned."

The ad gave a Paris telephone number — 325-5980. Cleaver said he has already had "a lot of responses" from people who said

they were bankers or had other access to cash.

Further, he declared, he is negotiating with "a Greek woman to whom money is not an object." He declined to name her.

Cleaver did offer a hint or two about just what the pants will do for the male ego.

He said he got the idea when he was in Cannes, writing an essay.

The article, he said, was "a criticism of the sexual problems of the western world, especially the fig leaf mentality and the bad influence of Hugh Hefner and certain unisexual theories."

He said he started thinking about positive alternatives, and "a light bulb went on in my head and I saw the pants."

He claimed he has an international patent on the design, which, as he put it, "may be the start of a male liberation movement."

Does it bother him to turn from revolution to capitalism? What will people say?

"I don't care," he responded. "I'm just doing my thing."

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BLACK PANTHER PARTY
FORMERLY KNOWN AS THE BLACK PANTHER PARTY FOR SELF-DEFENSE

The Black Panther Party (BPP), organized in December, 1966, at Oakland, California, by Huey P. Newton and Bobby George Seale, has the publicly-stated purpose of organizing black people to take control of the life, politics and destiny of the black community. The Party, operating the Black Panther Intercommunal News Service, publishes a newspaper called "The Black Panther," which at one time openly advocated the use of guns and guerrilla tactics in a revolutionary program to end the oppression of the black people but since early 1971 has spoken for a survival program pending revolution. BPP national headquarters, also known as Black Panther Intercommunal Headquarters, is located in Oakland, California.

While openly advocating direct overthrow of the U. S. Government by force and violence until 1971, leaders have since avoided extreme statements in favor of calling for action within the established order. Newton, in an interview appearing in the May, 1973 issue of "Playboy" magazine, stated the Panthers' chief ambition is to change the American Government by any means necessary but that ultimately such change will be through armed violence.

Despite its claimed dedication to community service, indicators of the BPP's continued attraction to violence persist. Since July, 1974, Newton and other BPP members have been arrested in Oakland, California, for threatening police officers, murder of a 17-year-old female and the pistol whipping of Newton's tailor. Newton failed to appear on these charges and is now a local fugitive. Additionally, one died and three were wounded as a result of a shooting at a BPP-sponsored dance in Oakland, California, in October, 1974.

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APPENDIX

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~~CONFIDENTIAL~~

1.

BLACK PANTHER PARTY -
CLEAVER FACTION (BPP-CF)

The Black Panther Party - Cleaver Faction (BPP-CF) based in New York, New York, follows the violent revolutionary philosophy of its leader, Eldridge Cleaver, calling for the overthrow of the United States Government by creating a climate of terror accomplished by using urban guerrilla tactics. Bernice Jones, leader of the BPP-CF in New York City, in describing the purpose of the organization, stated "We are a revolutionary organization whose sole function is to wage revolution in America."

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APPENDIX

~~CONFIDENTIAL~~

UNITED STATES GOVERNMENT

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-07-2008 BY 60322/UCLRP/PJ/EHL

Memorandum

TO : Director, FBI (Bufile 100-447251)

DATE: 8/25/75

FROM : SAC, SAN FRANCISCO (157-4324)

SUBJECT: LEROY ELDRIDGE CLEAVER aka -
FUGITIVE; I.O. # 4239, W.F. # 447, EM - BPP;
UFAC - ASSAULT WITH INTENT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT OF THE UNITED STATES

Re: San Francisco letter to the Bureau dated 8/25/75.

Recommend: ☐ Inclusion in ADEX (summary attached)*☒ Removal from ADEX (summary attached)*☐ Changes in ADEX card (specify change only) (Two copies of FD-366 are enclosed for the Bureau)

* Abstract required.

Name		Sex		Race	
Also known as:		<input type="checkbox"/> Male	<input type="checkbox"/> Female	<input type="checkbox"/> White	<input type="checkbox"/> Black
		<input type="checkbox"/> Other			
Citizenship		<input type="checkbox"/> U. S. <input type="checkbox"/> Alien - Specify Country			
Date of Birth (Month, day, year)		Place of Birth			
Residence Address		Employment			
		Occupation:			
		Firm & Address: Cancelled			
		SEP 17 1975			
Type of Activity (Check principal activity only)		EX-110			
<input type="checkbox"/> (BEX) Black Extremist		<input type="checkbox"/> (ERN) Foreign Affiliation - Specify Country			
<input type="checkbox"/> (CMC) Communist (pro-Chinese)		<input type="checkbox"/> (PRN) Puerto Rican Nationalist			
<input type="checkbox"/> (CMS) Communist (pro-Soviet)		<input type="checkbox"/> (REV) Revolutionary			
<input type="checkbox"/> (CMT) Communist (Trotskyist)		<input type="checkbox"/> (MSC) Miscellaneous			
<input type="checkbox"/> Tab Special Interest		<input type="checkbox"/> Place in Unavailable Section			
<input type="checkbox"/> Espionage		<input type="checkbox"/> Missing			
<input type="checkbox"/> Foreign Government Employee		<input type="checkbox"/> Out of Country			
<input type="checkbox"/> U. S. Government Employee		<input type="checkbox"/> Imprisoned			
<input type="checkbox"/> Remove Special Interest Tabbing		<input type="checkbox"/> Remove from Unavailable Section			
Key Facility Data (if applicable)					
Geographical Reference Number					
Responsible Agency					

2 - Bureau (RM)
1 - San Francisco
AWB/sdc
(3)

100-447251-1283
REC 27
14 AUG 27 1975
EX-110
REC/SAM
Active Processing

SF 157-4324
AWB/sdc

ADDENDUM

LEROY ELDRIDGE CLEAVER, Negro male, born 8/31/35, at Little Rock, Arkansas, is the titular head of the Black Panther Party - Cleaver Faction (BPP-CF), having established the Cleaver Faction after his break with the NEWTON-SEALE Faction of the BPP. CLEAVER fled the United States in 1968 after a shootout with the Oakland, California, Police Department. He currently resides at 19 Quai de Bourbon, Paris 4, France, with [redacted] and [redacted]. CLEAVER's political activities and influence since leaving the United States have continued to decline.

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CLEAVER has admitted in recent interviews that because of his travels to communist countries he feels that the United States has the best system of government and he has renounced the overthrow of the U.S. Government by any means but feels that the United States political system should be perfected and fully developed rather than destroyed.

There is no information to indicate that CLEAVER is an active participant in the policy making activities in a structured and disciplined subversive or extremist organization. Accordingly, San Francisco is recommending that CLEAVER be removed from the ADEX.

Subject no longer poses a realistic, direct and current danger to the national security and should be removed from ADEX.

CODE

TELETYPE

NITEL

9/17/75

TO LEGAT, PARIS (88-256)

FROM DIRECTOR, FBI

1
LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, I.O. #4239,
WANTED FLYER #447, EXTREMIST MATTERS - BPP; UFAC - ASSAULT
WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT. 2

REURTEL SEPTEMBER 17, 1975.

FOR YOUR INFORMATION, [] IS []

[] SUBCOMMITTEE ON INTERNAL SECURITY,
COMMITTEE ON THE JUDICIARY, U. S. SENATE. HE PRESENTLY
WISHES TO INTERVIEW CLEAVER, REASON UNKNOWN. CLEAVER'S
PRESENT ADDRESS AND TELEPHONE NUMBER FURNISHED TO HIM.

1 - []
1 - []

NOTE: Cleaver being sought on UFAC - Assault with
Intent to Commit Murder charges stemming from his
involvement in a gun battle with Oakland, Calif.,
police officer. Legat, Paris in retel advised
[] requested subject's current whereabouts
through Interpol. Legat requested []
membership on subcommittee be verified. Above so
advises.

CEK:mjl (5)

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Rec. Mgmt. _____
Tech. Serv. _____
Training _____
Off. Liaison _____
Sec'y _____

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

EX-108
REC-42 BE UNIT
RECEIVED
100-447251-140900
SEP 17 1975
TELETYPE

15 SEP 18 1975

MAIL ROOM ☐ TELETYPE UNIT ☒

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-07-2008 BY 60322/UCLRP/PJ/EHL

TO : Director, FBI (100-447251)

DATE: 10/3/75

FROM : Legat, Rome (88-55) (P*)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I. O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES.

ReRomlet 7/22/75.

As of October 3, 1975, sources of Legat
Rome have not furnished any information relating to
CLEAVER.

Stops remain in effect. Any information
of a positive nature which may be developed will be
furnished to the Bureau promptly.

5 - Bureau (1 - Foreign Liaison)
(2 - San Francisco 88-12329)
1 - Rome
TJB:MEG
(6)

REC-67

100-447251-1285

OCT 15 1975

FUGITIVE
SDA



OCT 18 1975

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

~~SECRET~~

FBI

Date: 10/1/75

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

TO: DIRECTOR, FBI (100-447251)

FROM: ~~LEGAT~~, PARIS (88-256) (P)EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-07-2006

LEREOY ELDRIDGE CLEAVER,
aka - FUGITIVE
I.O. #4239, WF #447
EM - BPP; UFAC - ASSAULT
WITH INTENT TO COMMIT
MURDER; THREAT AGAINST
THE PRESIDENT

Reference Paris letter dated 7/16/75 and Paris
cable dated 9/17/75.

EX-115

DEC 28

100-447251-1286

b1

4-Bureau
(1-Foreign Liaison Unit)
(1-San Francisco) (157-4304)
1-Paris
MGZ:kvw
(5)

100-T
100SF107
CEC:de
10/19/75

15 OCT 7 1975

~~CONFIDENTIAL~~~~SECRET~~

CLASSIFIED BY 5415
DECLASSIFICATION
DATE 10/19/75

5 OCT 24 1975

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

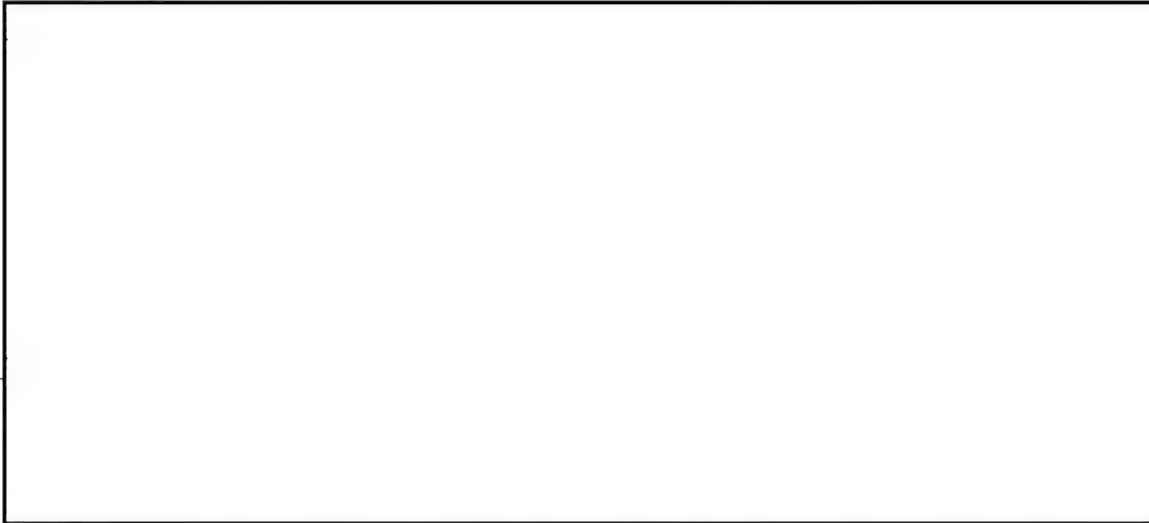
b6
b7C

~~SECRET~~

~~CONFIDENTIAL~~

PAR 88-256

(S)



b1

(S)

As additional information is developed, the Bureau and San Francisco will be advised.

ARMED AND DANGEROUS.

~~SECRET~~

~~CONFIDENTIAL~~

~~SECRET~~**MESSAGE RELAY**Transmit in ☐ Plaintext
☒ Code

Via Teletype the Attached

☐ Immediate☒ Urgent☐ Nite!

Message

Date

10/10/75

From: Director, FBI

To: SACs: **SAN FRANCISCO**
NEW YORK

To: Legats:

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-07-2008ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISETo: RUEADWW/ ☐ The President ☐ The Vice President ☐ White House Situation Room
☐ Attn: ☐ Attn:RUEBWJA/ ☐ Attorney General ☐ Deputy Attorney General
☐ Attn: Analysis and Evaluation UnitRUEBWJA/ ☐ Assistant Attorney General, Civil Rights DivisionRUEBWJA/ ☐ Assistant Attorney General, Criminal Division
☐ Attn: Internal Security Section ☐ Attn: General Crimes SectionRUEABND/ ☐ Drug Enforcement Administration RUEANAT/ ☐ National Aeronautics & Space Adm.RUEBWJA/ ☐ Immigration and Naturalization Service RUEOIAA/ ☐ National Security Agency
(DIRNSA/NSOC (Attn: SOO))RUEBWJA/ ☐ U. S. Marshal's ServiceRUEBDUA/ ☐ Department of the Air Force (AFOSI) RUEOLKN/ ☐ Naval Investigative ServiceRUEACSI/ ☐ Department of the Army REC 17 RUEALSA/ ☐ U. S. Postal Service (if Classified)
(Use RUEVDPS if Unclassified)RUEAIA/ ☐ Director, CIARUEBJGA/ ☐ Commandant, U. S. Coast Guard /ST-III RUEHSE/ ☐ U. S. Secret Service (PID)RUEKJCS/ ☐ Director, Defense Intelligence Agency RUEHOC/ ☐ Secretary of State OCT 15 1975RHEGDTN/ ☐ Energy Research and Development Administration RUEBJGA/ ☐ Department of Transportation
Attn: Director of SecurityRUEOGBA/ ☐ Federal Aviation AdministrationAssoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____OCT 11 1975
3:25 PM☐ Top Secret☐ SecretClassification: ☐ Confidential☒ Unclassified

Subject (Text begins next page):

LEROY FLORIDGE CLEMMER, aka - FUGITIVE,
DO. E. 1034 W. F. 1034, EM - BPP, WFAC - ASSAULT WITH INTENT TO
COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES 00:58MAIL ROOM ☐ TELETYPE UNIT ☒~~SECRET~~

~~SECRET~~

OCT 10 1975

~~INTEL. DIV.~~

~~3:30 PM URGENT 10-10-75 BCS~~

~~TELETYPE~~

~~TO DIRECTOR 100-4472510 FROM 100-1846~~

~~LEGAT PARIS NR 013-10~~

~~FROM LEGAT BONN (100-1846)~~

LEROY ELBRIDGE CLEAVER, AKA - FUGITIVE, I.O. #4239, W.F. #447;
EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT
AGAINST THE PRESIDENT OF THE UNITED STATES. OO: SAN FRANCISCO.

~~RENYALTEL MAY 15, 1973~~

(S)

b1

END PAGE ONE

~~SECRET~~

~~CARBON COPY DO NOT FILE~~

~~SECRET~~

~~PAGE TWO BON 100-1348~~

(S) [REDACTED]

(S) PARIS IS REQUESTED TO DETERMINE, IF POSSIBLE. CLEAVER'S
PRESENT WHEREABOUTS AND ANY AVAILABLE INFORMATION [REDACTED]

(S) SAN FRANCISCO IS REQUESTED TO DETERMINE FROM APPROPRIATE U. S.
ATTORNEY IF REQUEST FOR SUBJECT'S EXTRADITION WOULD BE MADE IN THE
EVENT [REDACTED]

(S) BONN IS ATTEMPTING TO DETERMINE ADDITIONAL DETAILS, INCLUDING
[REDACTED]

TELETYPE BEING FURNISHED NEW YORK FOR INFORMATION.
PLEASE SUCAB.

END

~~SECRET~~

ORIG. SPECIAL INV. DIV. INTELL. DIV. Pgs: SDP VR.

b1

PAGE 01 STATE 244724

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

IS-1

14

OCT 16 1975

TELETYPE

ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 SCA-01 JUSE-00 FBIE-00 /017 R

DRAFTED BY L/M: [REDACTED]:AD

ALL FBI INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-29-2009 BY 60322/UCLRP/PJ/EHL

APPROVED BY L/M: [REDACTED]

114979

R 151716Z OCT 75

FM SECSTATE WASHDC

TO AMEMBASSY BONN

LIMITED OFFICIAL USE STATE 244724

E.O. 11652: N/A

b6
b7C

TAGS: PFOR, GW FR US

SUBJECT: ELDRIDGE CLEAVER

REC-10

100-447251-1288

REF: BONN 16721

EMBASSY REQUESTED INFORM FRG AUTHORITIES THAT USG UNABLE
BIND ITSELF OR CALIFORNIA RE REQUESTING EXTRADITION OF
CLEAVER FROM FRG UNTIL FULL CIRCUMSTANCES OF PRESENCE IN
FRG KNOWN. INITIATIVE FOR EXTRADITION ON STATE CHARGES MUST
COME FROM CALIFORNIA. USG UNABLE TO SAY MORE THAN THAT USG
REQUEST IS LIKELY.

MESSAGE RELAY

Transmit in ☐ Plaintext ☒ Code Via Teletype the Attached ☐ Immediate ☐ Urgent ☒ Nitel Message

Date 10-15-75From: Director, FBI **100-447251**

To: SACs:

To: Legats:

BONN**PARIS (88-236)**

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-07-2008 BY 60322/JCLRP/PJ/EHL

To: RUEADWW/ ☐ The President ☐ The Vice President ☐ White House Situation Room
☐ Attn: ☐ Attn:

RUEBWJA/ ☐ Attorney General ☐ Deputy Attorney General
☐ Attn: Analysis and Evaluation Unit

RUEBWJA/ ☐ Assistant Attorney General, Civil Rights DivisionRUEBWJA/ ☐ Assistant Attorney General, Criminal Division☐ Attn: Internal Security Section ☐ Attn: General Crimes SectionRUEABND/ ☐ Drug Enforcement AdministrationRUEANAT/ ☐ National Aeronautics & Space Adm.RUEBWJA/ ☐ Immigration and Naturalization ServiceRUEOIAA/ ☐ National Security Agency
(DIRNSA/NSOC (Attn: SOO))RUEBWJA/ ☐ U. S. Marshal's ServiceRUEBDUA/ ☐ Department of the Air Force (AFOSI)RUEOLKN/ ☐ Naval Investigative ServiceRUEACSI/ ☐ Department of the ArmyRUEAUSA/ ☐ U. S. Postal Service (if Classified)
(Use RUEVDPS if Unclassified)RUEAIIA/ ☐ Director, CIARUEHSE/ ☐ U. S. Secret Service (PID)RUEBJGA/ ☐ Commandant, U. S. Coast GuardRUEHOC/ ☐ Secretary of StateRUEKJCS/ ☐ Director, Defense Intelligence AgencyRUEBJGA/ ☐ Department of Transportation
Attn: Director of SecurityRHEGGTN/ ☐ Energy Research and Development
AdministrationRUEOGBA/ ☐ Federal Aviation Administration

EX-115

REC-31

☐**100-447251-1289**RECEIVED BY INVESTIGATION
COMMUNICATIONS SECTION

15 OCT 21 1975

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.:
 Admin. _____
 Comp. Syst. _____
 Ext. Affairs _____
 Files & Com. _____
 Gen. Inv. _____
 Ident. _____
 Inspection _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Eval. _____
 Spec. Inv. _____
 Training _____
 Telephone Rm. _____
 Director Sec'y _____

OCT 15 1975

TELETYPE

Classification:

☐ Top Secret☐ Secret☐ Confidential☒ Unclassified

Subject (Text begins next page):

SEE ATTACHEDRECEIVED
701 13CEK:cd1
(4)

Foreign Liaison Unit

☒ Route through for review☐ Cleared telephonically

with _____

(4077 JEH)

b6
b7CMAIL ROOM ☐TELETYPE UNIT ☒

COMMUNICATIONS SECTION

Adm. Serv.
Ext. Affairs
Ident.
Insp.
Intell.
Lab.
Plan. & Eval.
Spec. Inv.
Training
Off. of Cong. & Public Affairs
Director's Sec'y

FUG 31

~~IN 222 BT 0022~~

~~6115 KPM NITEL 10/14/75 CJO~~

OUT 11 10/15
TELETYPE

TO: DIRECTOR

FROM: SAN FRANCISCO (88-12320) (P)

~~CHANGED~~ LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, I.O. NO. 4329,
WANTED FLYER 447, EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT
MURDER.

~~TITLE MARKED CHANGED TO DELETE THREAT AGAINST PRESIDENT OF
U.S. INASMUCH AS FEDERAL COMPLAINT DOES NOT INCLUDE THAT INFORMA-
TION IN THE COMPLAINT.~~

RE LEGAT BONN CABLE 10-10-75.

~~RE BUREAU TELETYPE OCTOBER 11, 1975, SAN FRANCISCO TELETYPE
OCTOBER 11, 1975 AND BUREAU TELETYPE TO SAN FRANCISCO OCTOBER 14,
1975.~~

FOR INFORMATION LEGATS UFAC PROCESS IS ONLY

~~BUREAU SHOULD NOTE NO OTHER~~ FEDERAL PROCESS CURRENTLY OUT-
STANDING AGAINST CLEAVER.

ALAMEDA COUNTY DISTRICT ATTORNEY (DA) LOWELL JENSEN ADVISED
OCTOBER 11, 1975, THAT STATE AUTHORITIES ARE UNWILLING TO EXTRA-
DITE CLEAVER. JENSEN NOTED THAT IF CLEAVER SURRENDERS VOLUNTARILY
CALIFORNIA STATE OFFICIALS WOULD GIVE CONSIDERATION TO EXTRA-
DITION REQUEST.

CLEAVER IS PUBLICLY KNOWN AS THE TITULAR HEAD OF THE BLACK
PANTHER PARTY - CLEAVER FACTION (BPP-CF). HOWEVER, INVESTIGATION
REVEALS THAT THE BPP-CF IS NOT A VIABLE ORGANIZATION WITH ANY
EXISTING MEMBERS. NO INFORMATION AVAILABLE TO INDICATE THAT CLEAVER

IS ASSOCIATED WITH BLACK PANTHER PARTY (BPP) IN ANY MANNER. IN RECENT INTERVIEWS WITH NEWS MEDIA CLEAVER HAS REFERRED TO HIMSELF AS A "FORMER" BLACK PANTHER.

THE BPP CURRENTLY HEADED BY ELAINE BROWN AND DAVID DU BOIS HAS BEEN DRASTICALLY REDUCED IN MEMBERSHIP AND ACTIVITIES. THERE IS EVIDENCE THAT THE BPP HAS A LARGE VOLUME OF WEAPONS AND IS KNOWN TO HAVE PURCHASED ADDITIONAL WEAPONS. IN 1974 BPP MEMBERS AND THEIR LEADER, HUEY P. NEWTON, NOW RESIDING IN CUBA, WERE INVOLVED IN VIOLENCE, INCLUDING ASSAULTS, MURDER AND CONFRONTATION WITH POLICE. THE BPP PUBLICLY EMPHASIZES THAT ITS PHILOSOPHY HAS CHANGED FROM "BY ANY MEANS NECESSARY" TO "ANY MEANS AVAILABLE".

~~A SOURCE ADVISED WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED THAT CLEAVER, [REDACTED] RESIDE AT 13 QUAI DE BOURBON, PARIS 4, FRANCE.~~

b6
b7C

~~ADMINISTRATIVE:~~

~~SOURCE ADVISED IS [REDACTED]~~

~~PARIS, FRANCE.~~

b6
b7C
b7D

END **ARMED AND DANGEROUS**

HOLD PLS

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

~~SECRET~~ OCT 10 1975
TELETYPE

Asst. Dir. _____
Dep. A.D. Adm. _____
Dep. A.D. Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____

4:30 PM URGENT 10-10-75 BCS

TO DIRECTOR (100-447251) NR 368-10

LEGAT PARIS NR 013-10

FROM LEGAT BONN (100-1846)

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, I.O. #4239, W.F. #447;

EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT

AGAINST THE PRESIDENT OF THE UNITED STATES. OO: SAN FRANCISCO.

REMYAIRTEL MAY 15, 1973.

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION

AUTHORITY DERIVED FROM:

FBI AUTOMATIC DECLASSIFICATION GUIDE

EXEMPTION CODE 25X(6)

DATE 10-07-2009

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& Eval

Inv. H

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Legal Coun.

Telephone Rm.

Director Sec'y

Fug. STVR

[Handwritten signature]

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b7C

END PAGE ONE

OCT 23 1975

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT OCT 16 1975
WHERE SHOWN OTHERWISE

66 NOV 4 1975

~~SECRET~~

100-447251-1290

0-73 * SP, #44
by
URT-DIV5

[Handwritten signature]

~~SECRET~~

(S)

PAGE TWO BON 100-1846

(S)

b1

PARIS IS REQUESTED TO DETERMINE, IF POSSIBLE. CLEAVER'S
PRESENT WHEREABOUTS AND ANY AVAILABLE INFORMATION

SAN FRANCISCO IS REQUESTED TO DETERMINE FROM APPROPRIATE U. S.
ATTORNEY IF REQUEST FOR SUBJECT'S EXTRADITION WOULD BE MADE IN THE
EVENT

BONN IS ATTEMPTING TO DETERMINE ADDITIONAL DETAILS, INCLUDING

PLEASE SUCAB.

END

CC: INTELL. DIV.

~~SECRET~~

~~SECRET~~

0-73 (Rev. 13-75)

MESSAGE RELAY

Transmit in ☒ Plaintext ☐ Immediate
☐ Via Teletype the Attached ☐ Urgent Message
☐ **REG-31** ☒ Nitel

Date **10-15-75**

From: Director, FBI **100-447251 - 1291**
To: SACs: **SAN FRANCISCO**

To: Legats:

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-07-2008

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

To: RUEADWW/ ☐ The President ☐ The Vice President ☐ White House Situation Room
☐ Attn: ☐ Attn:

RUEBWJA/ ☐ Attorney General ☐ Deputy Attorney General
☐ Attn: Analysis and Evaluation Unit

RUEBWJA/ ☐ Assistant Attorney General, Civil Rights Division

RUEBWJA/ ☐ Assistant Attorney General, Criminal Division
☐ Attn: Internal Security Section ☐ Attn: General Crimes Section

RUEABND/ ☐ Drug Enforcement Administration RUEANAT/ ☐ National Aeronautics & Space Adm.

RUEBWJA/ ☐ Immigration and Naturalization Service RUEOIAA/ ☐ National Security Agency
(DIRNSA/NSOC (Attn: SOO))

RUEBWJA/ ☐ U. S. Marshal's Service

RUEBDUA/ ☐ Department of the Air Force (AFOSI) RUEOLKN/ ☐ Naval Investigative Service

RUEACSI/ ☐ Department of the Army RUEAUSA/ ☐ U. S. Postal Service (if Classified)
(Use RUEVDFS if Unclassified)

RUEAIIA/ ☐ Director, CIA

RUEBJGA/ ☐ Commandant, U. S. Coast Guard RUEHSE/ ☐ U. S. Secret Service (PID)

RUEKJCS/ ☐ Director, Defense Intelligence Agency RUEHOC/ ☐ Secretary of State

RHEGGTN/ ☐ Energy Research and Development Administration RUEBJGA/ ☐ Department of Transportation
Attn: Director of Security

RUEOCBA/ ☐ Federal Aviation Administration

☐ FEDERAL BUREAU OF INVESTIGATION
☐ COMMUNICATIONS SECTION

OCT 15 1975

TELETYPE

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

Classification: ☐ Top Secret
☐ Secret
☐ Confidential
☒ Unclassified

Subject (Text begins next page):

SEE ATTACHED

CEK:cdl
(3)

MAIL ROOM ☐ TELETYPE UNIT ☒

Foreign Liaison Unit

☐ Route through for review
☐ Cleared telephonically
with _____

(4077 JEH)

b6
b7C

~~SECRET~~

66 NOV 7 1975

Assoc. Dir. ☒
 Top. Asst. Dir. ☒
 Dep. Asst. Dir. ☒
 Admin. ☒
 Comp. Syst. ☒
 Ext. Affairs ☒
 Files & Com. ☒
 Gen. Inv. ☒
 Ident. ☒
 Inspection ☒
 Intell. ☒
 Laboratory ☒
 Plan. & Eval. ☒
 Spec. Inv. ☒
 Training ☒
 Legal Coun. ☒
 Telephone Rm. ☒
 Director's Sec'y ☒
 Mr. Sullivan ☒

~~1:26 PM URGENT 10/14/75 GRB~~

~~TO DIRECTOR (100-447251) NR 133 1~~

~~LEGAT BONN (100-1848) NR 002 1~~

~~FROM LEGAT PARIS (88-256)~~

✓ *ADD*
 LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, IO 4239, WF 447; EM - BPP;
 UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE
 PRESIDENT OF THE UNITED STATES, OO: SAN FRANCISCO

~~RE BONN CABLE OCTOBER 10, 1975.~~

LEGAT PARIS ADVISES

CURRENT ADDRESS OF SUBJECT: 29 RUE MONGE, PARIS, FRANCE.

LOCAL TELEPHONE NUMBER: 325-5980.

b1

ARMED AND DANGEROUS.

~~IF PERTINENT INFORMATION IS DEVELOPED, BUREAU AND BONN WILL~~

~~BE ADVISED.~~

END

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-07-2006

OCT 14 1975
TELETYPE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Assoc. Dir. _____
Dep.-A.D.-Adm. _____
Dep.-A.D.-Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____
Fug. Supvr. _____

1:26 PM URGENT 10/14/75 SRB

TO DIRECTOR (100-447251) NR 180-14

LEGAT BONN (100-1846) NR 002-14

FROM LEGAT PARIS (88-256)

✓ ADD
LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, IO 4239, WF 447; EM - BPP;

UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES, OO: SAN FRANCISCO

RE BONN CABLE OCTOBER 10, 1975.

CURRENT ADDRESS OF SUBJECT: 29 RUE MONGE, PARIS, FRANCE.

LOCAL TELEPHONE NUMBER: 325-5980.

(S) [Redacted Box]

[Redacted Box]

EX 103
REC-11
100-447251-1291
IF PERTINENT INFORMATION IS DEVELOPED, BUREAU AND BONN WILL
BE ADVISED.

END

OCT 17 1975

cc-Intel

REUR
Relay SF
CER code
10/15/75

~~SECRET~~

[Redacted Box]

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

Assoc. Dir. _____
Dep. AD-Adm. _____
Dep. AD-Inv. _____
Asst. Dir.: _____
Adm. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

9:00 AM URGENT 9-17-75 KVV

TO DIRECTOR

NR 161-16

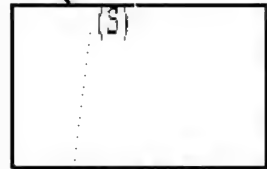
SEP 17 1975

FROM LEGAT PARIS (88-256)

TELETYPE

LERØY ELDRIDGE CLEAVER, AKA - FUGITIVE, IO 4239, WF 4471

EXTREMIST MATTERS - BPP; UFAC - ASSAULT WITH INTENT TO
COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF USA.



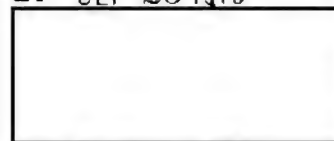
b6
b7C

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REC 67

100-447251-1292

21 SEP 23 1975



SUCAB.

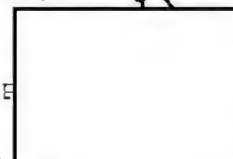
ARMED AND DANGEROUS.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

END

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-03-2008

*See note
to Jerald
9/17/75
Cub*



b6
b7C



~~SECRET~~

55 NOV 1975

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

~~SECRET~~

Assoc. Dir. _____
Dep.-A.D.-Adm. _____
Dep.-A.D.-Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

NR 022 SF CODE

8:10 KPM NITEL 10/14/75 GJC

OCT 14 1975

TO: DIRECTOR

TELETYPE

FROM: SAN FRANCISCO (88-12329) (P)

CHANGED. LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, I.O. NO. 4329

WANTED FLYER 447, EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT MURDER.

TITLE MARKED CHANGED TO DELETE THREAT AGAINST PRESIDENT OF U.S. INASMUCH AS FEDERAL COMPLAINT DOES NOT INCLUDE THAT INFORMATION IN THE COMPLAINT.

RE BUREAU TELETYPE OCTOBER 11, 1975, SAN FRANCISCO TELETYPE OCTOBER 11, 1975 AND BUREAU TELETYPE TO SAN FRANCISCO OCTOBER 14, 1975.

BUREAU SHOULD NOTE NO OTHER FEDERAL PROCESS CURRENTLY OUTSTANDING AGAINST CLEAVER.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

ALAMEDA COUNTY DISTRICT ATTORNEY (DA) LOWELL JENSEN ADVISED OCTOBER 11, 1975, THAT STATE AUTHORITIES ARE UNWILLING TO EXTRADITE CLEAVER. JENSEN NOTED THAT IF CLEAVER SURRENDERS VOLUNTARILY CALIFORNIA STATE OFFICIALS WOULD GIVE CONSIDERATION TO EXTRADITION REQUEST.

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CLEAVER IS PUBLICLY KNOWN AS THE TITULAR HEAD OF THE BLACK PANTHER PARTY - CLEAVER FACTION (BPP-CF). HOWEVER, INVESTIGATION REVEALS THAT THE BPP-CF IS NOT A VIABLE ORGANIZATION WITH ANY EXISTING MEMBERS. NO INFORMATION AVAILABLE TO INDICATE THAT CLEAVER

EX 104

REC-43 100-447251-1293

Relayed Bonn & Paris
100 VR
CEK:cdz
5:10/15/75
10/15

~~SECRET~~

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-07-2008

~~SECRET~~

PAGE TWO

SF 88-12329

IS ASSOCIATED WITH BLACK PANTHER PARTY (BPP) IN ANY MANNER. IN RECENT INTERVIEWS WITH NEWS MEDIA CLEAVER HAS REFERRED TO HIMSELF AS A "FORMER" BLACK PANTHER.

THE BPP CURRENTLY HEADED BY ELAINE BROWN AND DAVID DU BOIS HAS BEEN DRASTICALLY REDUCED IN MEMBERSHIP AND ACTIVITIES. THERE IS EVIDENCE THAT THE BPP HAS A LARGE VOLUME OF WEAPONS AND IS KNOWN TO HAVE PURCHASED ADDITIONAL WEAPONS. IN 1974 BPP MEMBERS AND THEIR LEADER, HUEY P. NEWTON, NOW RESIDING IN CUBA, WERE INVOLVED IN VIOLENCE, INCLUDING ASSAULTS, MURDER AND CONFRONTATION WITH POLICE. THE BPP PUBLICLY EMPHASIZES THAT ITS PHILOSOPHY HAS CHANGED FROM "BY ANY MEANS NECESSARY" TO "ANY MEANS AVAILABLE".

A SOURCE ABROAD WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED THAT CLEAVER, [REDACTED] RESIDE AT 19 QUAI DE BOURBON, PARIS 4, FRANCE.

ADMINISTRATIVE:

[REDACTED]

END

HOLD PLS

~~SECRET~~

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b7C

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(S)

cc - Intd

PLAINTEXT

TELETYPE

NITEL

REC-14

100-447251-1294

10/14/75

TO SAC, SAN FRANCISCO (88-12329)
FROM DIRECTOR, FBI

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, I.O. #4239,
WANTED FLYER #447, UFAC - ASSAULT WITH INTENT TO COMMIT
MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES;
EM - BPP, OO: SAN FRANCISCO.

REBUTEL OCTOBER 11, 1975, AND URTEL OCTOBER 11, 1975.

FOR YOUR INFORMATION UFAC CHARGE IS NOT AN
EXTRADITABLE OFFENSE UNDER THE EXTRADITION TREATY BETWEEN
THE U. S. AND WEST GERMANY. UNLESS THERE IS ADDITIONAL
FEDERAL PROCESS OUTSTANDING OF WHICH THE BUREAU IS NOT
AWARE, A REQUEST FOR PROVISIONAL ARREST AND EXTRADITION
OF CLEAVER MUST BE INITIATED BY CALIFORNIA STATE AUTHORITIES
THROUGH THE U. S. STATE DEPARTMENT AND NOT THE U. S. ATTORNEY.

SAN FRANCISCO SUTEL IF OTHER FEDERAL PROCESS PRESENTLY
OUTSTANDING AND IF STATE AUTHORITIES WILLING TO EXTRADITE.
ALSO PROVIDE SUCCINCT SUMMARY OF INFORMATION REQUESTED BY
LEGAT, BONN FOLLOWED BY LHM FOR DISSEMINATION PURPOSES.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

1 - [] Rm. 4077

SEE NOTE PAGE 2. . . TELETYPE UNIT
RECEIVED
CEK:mjl (4)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 14 1975
TELETYPE

MAIL ROOM []

TELETYPE UNIT [X]

55 NOV 14 1975

GPO 9547

b6
b7C

TELETYPE TO SAN FRANCISCO
RE: LEROY ELDRIDGE CLEAVER, AKA

NOTE: Cleaver, at one time leader of the BPP, has been sought on UFAC charges since 1968 after his parole was revoked following a shoot-out with Oakland, California, police officers. Cleaver presently residing in Paris, France, [redacted] and Legat, Bonn advises he may visit West Germany in near future. Legat requested it be determined if Cleaver would be extradited by U. S. if arrested in West Germany. San Francisco in retel advises USA, San Francisco, stated that USA and local authorities have decided Cleaver should not be arrested on U. S. warrants but if he surrenders U. S. will extradite. Above advises San Francisco UFAC not an extraditable offense and extradition requested would necessarily have to be initiated by California authorities. San Francisco instructed to determine if any other Federal process outstanding and if state authorities would extradite.

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b7C

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 11 1975

TELETYPE

Asso. Dir.	_____
Dep. A.D.-Adm.	_____
Dep. A.D.-Inv.	_____
Asst. Dir.:	_____
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

NR 003 SF CODE

155PM URGENT 10-11-75 SJB

TO: DIRECTOR, FBI
NEW YORK

FROM: SAN FRANCISCO (88-12329)

LERoy ELDRIDGE CLEAVER, AKA - FUGITIVE, I.O. NR 4239, W.F.

NR 447; EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT

MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES.

OO: SAN FRANCISCO.

RE BUREAU TELETYPE TO SAN FRANCISCO AND NEW YORK,

OCTOBER 11, 1975.

USA JAMES L. BROWNING, SAN FRANCISCO, CONTACTED THIS
DATE. BROWNING CONFERRED WITH LOCAL OFFICIALS RE ARREST AND
EXTRADITION OF ELDRIDGE CLEAVER FROM WEST GERMANY AND DECIDED
CLEAVER SHOULD NOT BE ARRESTED FOR U.S. WARRANTS.

BROWNING FURTHER ADVISED THAT IF CLEAVER SURRENDERS
VOLUNTARILY, U.S. WILL EXTRADITE.

LHM WILL FOLLOW.

END.

initel to SF
CEK:lmj
10-14-75

X-110

REC-14

100-447258-1294

5 OCT 21 1975

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-24-84 BY SP2A91/Dms
CA# 75-6203

CC - [signature]

AIRTEL

10/15/75

AIRTEL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-07-2008 BY 60322/UCLRP/PJ/EHL

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR FBI (100-447251)
FROM: SAC SAN FRANCISCO (88-12329) (P)
RE: LEROY ELDREDGE CLEAVER aka -
FUGITIVE
I.O. 4239
W.P. 447
EM - BPP;
IPAC - ASSAULT WITH INTENT
TO COMMIT MURDER
OO: San Francisco

Re Bureau teletype to San Francisco and New York
10/11/75; San Francisco teletype to the Bureau 10/11/75;
Bureau teletype to San Francisco 10/14/75 and San Francisco
teletype to the Bureau dated 10/14/75.

Enclosed for the Bureau are eleven (11) copies of
an LHM concerning the captioned Subject. San Francisco
requests appropriate copies of the LHM be disseminated to
Legats Bonn and Paris. One (1) copy of the LHM is enclosed
for information of New York.

Two (2) copies of FD-376 are stapled to copies
of the LHM.

The agent contacting Alameda County District
Attorney LOWELL JENSEN is SA [REDACTED]

ENCLOSURE

- 2 - Bureau (Encs. 11) (RM)
1 - New York (Enc. 1) (RM)
2 - San Francisco
AWB/sdc (S-2)
(5)

1cc + 1enc - T
4cc enc Box 107
4cc New Paris 107
1cc + 4355/PJ-376
CER: [REDACTED]
10/22/75

REC-14

ST 109

11-12
15 OCT 20 1975b6
b7C

AIRTEL

57 NOV 20 1975

F-7763

Sent in Charge

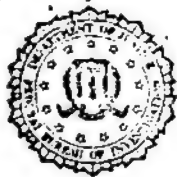
SF 88-12329
AWB/sdc

LEADS:

SAN FRANCISCO

AT SAN FRANCISCO, CALIFORNIA. Will continue to
monitor CLEAVER's activities.

Will maintain contact with Alameda County
District Attorney's office and U.S. Attorney's Office.



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

San Francisco, California

In Reply, Please Refer to
File No.

October 15, 1975

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-07-2008 BY 60322/UCIRP/PJ/EHL

LEROY ELDRIDGE CLEAVER

Background

Past investigation reveals Leroy Eldridge Cleaver, Negro male, born August 31, 1935, at Little Rock, Arkansas, was in the California State Prison System from March 20, 1958 until parole December 12, 1966, after conviction for Assault With Intention to Commit Murder and Assault With a Deadly Weapon. On April 6, 1968, Cleaver, Minister of Information for the Black Panther Party (BPP) and several other Black Panthers were involved in a shootout with the Oakland, California, Police Department, resulting in the death of Bobby Hutton, BPP Treasurer and wounding of Cleaver in the left foot. As a result of this shootout Cleaver's parole was revoked and subsequent court action resulted in his release. The court appeal of this decision resulted in a reversal calling for revocation of parole on November 27, 1968. Cleaver failed to appear and a parole violation warrant was issued the same date. Cleaver is also under indictment on assault charges arising out of the above gun battle. On December 10, 1968, a U.S. federal complaint was filed and a warrant issued at San Francisco charging Cleaver with unlawful flight to avoid confinement - parole violation

A characterization of the BPP is appended hereto.

Cleaver is the titular head of the BPP - Cleaver Faction (BPP-CF), having established the Cleaver Faction after his break with the Huey Newton - Bobby Seale (co-founders) faction of the BPP. His political activities and influence have continued to decline since he fled the United States. There is no information to indicate that Cleaver continues to associate himself with the BPP or with the Cleaver Faction of the BPP, which he organized while living in Algeria. Past investigation reveals that the BPP-CF should not be considered a viable organization

ENCLOSURE

100-447251-125

A characterization of the BPP-CF is appended hereto.

Cleaver was recently interviewed by news lady Jane Freedman in Paris, France. She described Cleaver as the "once fiery Black Panther who now says the Black Panther movement is dead". Freedman asked Cleaver if he would revive the Black Panther movement. Cleaver replied "Heaven forbid! We are really being led to the radical part of our history. I would think of myself as a Black Panther now and I have no nostalgia for my old position, you see, with due pardon, so all of that is kind of a closed chapter".

The following appeared in the Paris edition of the New York "Herald Tribune" on August 11, 1975: "Eldridge Cleaver seeking legitimate business associates to finance and organize marketing of his revolutionary design in male pants, underwear, swimming suits".

Extradition of Cleaver

U. S. charges against Cleaver (unlawful flight to avoid confinement) is not an extraditable offense under the extradition treaty between the United States and West Germany.

On October 15, 1975, Alameda County District Attorney (DA) Lowell Jensen, Oakland, California, who will prosecute Cleaver on his return to the United States for Assault with Intent to Commit Murder and Assault with a Deadly Weapon, was telephonically contacted by an agent of the Federal Bureau of Investigation (FBI). It is noted that DA Jensen conferred with U.S. Attorney James L. Browning, Jr. on October 11, 1975, concerning Cleaver's extradition and both agreed that for prosecution purposes it would be better that Cleaver not be arrested but rather give himself up voluntarily.

On October 15, 1975, Jensen advised that the charges against Cleaver are still pending and that Cleaver will be prosecuted if he returns to the United States; however, Jensen advised that he does not wish Cleaver to be arrested in a foreign country. Jensen prefers that Cleaver give himself up voluntarily. Jensen stated that in the event Cleaver surrenders his office would give consideration to extradition at that time.

LEROY ELDRIDGE CLEAVER

Black Panther Party (BPP)

The BPP has emphasized that its philosophy as expressed by current BPP leaders David G. Du Bois and Elaine Brown has changed from "by any means necessary" to "any means available". Du Bois has indicated that the BPP would use three basic approaches. These include:

1. The BPP survival programs, including free food, help with housing, medical care, education, transportation, social and recreational activities. The BPP has planned many of these programs, however, most of them have only been operating on a limited basis.

2. The BPP plans for Party members to be candidates for political offices and desires that BPP members work to promote such activities.

3. The launching of major national campaigns that directly confront the power structure, such as abolishing the offices of president and vice president of the United States.

Because of limited personnel it is not believed that the BPP can organize such a program.

Statements by Elaine Brown

In an article in the "East Bay Bridge" dated October 24, 1974, in an interview Elaine Brown stated that "the BPP cannot resolve all of the problems or even a few of the problems. The only people who are going to do that are the people themselves, so the thing that we do is to let people know that they can do things. We can't be so arrogant as to think we can take over the country with a three man guerrilla team." ELAINE BROWN still considers herself a revolutionary and looks to the overthrow of the present system indicating "We haven't changed. We are still a revolutionary vanguard party but our strategy has gotten better and if it doesn't work we'll change it again. The various twists and turns in the road are not going to stay us from our duty and tasks. I have no intentions of giving up the ghost because I don't feel I am on the verge of death".

LEROY ELDRIDGE CLEAVER

Background of [redacted]

[redacted]
[redacted] shows continuous support for the communist regime and for those revolutionary forces in Africa. [redacted] had been in voluntary exile from the United States for 13 years and had spent a great deal of time in China. While abroad between 1959 and 1972 [redacted]

[redacted] a
[redacted] at
Cairo, Egypt; [redacted] at Cairo
University; [redacted] on [redacted]
[redacted] and [redacted]

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[redacted] on radio Cairo's English language daily short-wave transmission to North America. Prior to that he was considered a Communist Party member because of attendance at World Student Congress at Prague in 1950 and employed by "The Daily Worker" newspaper in 1952. Pro-communist and anti-USA statements have been attributed to [redacted] over the Moscow radio and in "People's China".

Investigation reveals that BPP membership has been drastically reduced and its activities have become very limited outside the San Francisco Bay Area. In spite of this there is evidence that the Black Panthers have a large volume of weapons and have in the recent past purchased additional weapons. As recently as 1974, PPP members and their leader now in hiding, Huey P. Newton, were involved in violence, including assault, murder and confrontation with the police. Newton, now in Cuba, is a U. S. Federal fugitive wanted on unlawful flight to avoid prosecution charges as a result of his failure to appear on local charges, including murder.

BLACK PANTHER PARTY
FORMERLY KNOWN AS THE BLACK PANTHER PARTY FOR SELF-DEFENSE

The Black Panther Party (BPP), organized in December, 1966, at Oakland, California, by Huey P. Newton and Bobby George Seale, has the publicly-stated purpose of organizing black people to take control of the life, politics and destiny of the black community. The Party, operating the Black Panther Intercommunal News Service, publishes a newspaper called "The Black Panther," which at one time openly advocated the use of guns and guerrilla tactics in a revolutionary program to end the oppression of the black people but since early 1971 has spoken for a survival program pending revolution. BPP national headquarters, also known as Black Panther Intercommunal Headquarters, is located in Oakland, California.

While openly advocating direct overthrow of the U. S. Government by force and violence until 1971, leaders have since avoided extreme statements in favor of calling for action within the established order. Newton, in an interview appearing in the May, 1973 issue of "Playboy" magazine, stated the Panthers' chief ambition is to change the American Government by any means necessary but that ultimately such change will be through armed violence.

Despite its claimed dedication to community service, indicators of the BPP's continued attraction to violence persist. Since July, 1974, Newton and other BPP members have been arrested in Oakland, California, for threatening police officers, murder of a 17-year-old female and the pistol wounding of Newton's tailor. Newton failed to appear on these charges and is now a local fugitive. Additionally, one died and three were wounded as a result of a shooting at a BPP-sponsored dance in Oakland, California, in October, 1974.

APPENDIX

1.

**BLACK PANTHER PARTY -
CLEAVER FACTION (BPP-CF)**

The Black Panther Party - Cleaver Faction (BPP-CF) based in New York, New York, follows the violent revolutionary philosophy of its leader, Eldridge Cleaver, calling for the overthrow of the United States Government by creating a climate of terror accomplished by using urban guerrilla tactics. Bernice Jones, leader of the BPP-CF in New York City, in describing the purpose of the organization, stated "We are a revolutionary organization whose sole function is to wage revolution in America."

APPENDIX

LEAD

AT BONN, WEST GERMANY. Will determine details of Cleaver's proposed visit to West Germany.

LEAD

AT PARIS, FRANCE. Will determine Cleaver's present whereabouts and any available information concerning his proposed trip to the Federal Republic of Germany.

(S)

(Rev. 2-26-70)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

~~SECRET~~

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-07-2008

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI (100-447251;)
Attention:

DATE: 10/31/75

FROM : Legat, Paris (88-256) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
IO#4239, WF 447
EM - BPP; UFAC - ASSAULT WITH
INTENT TO COMMIT MURDER

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

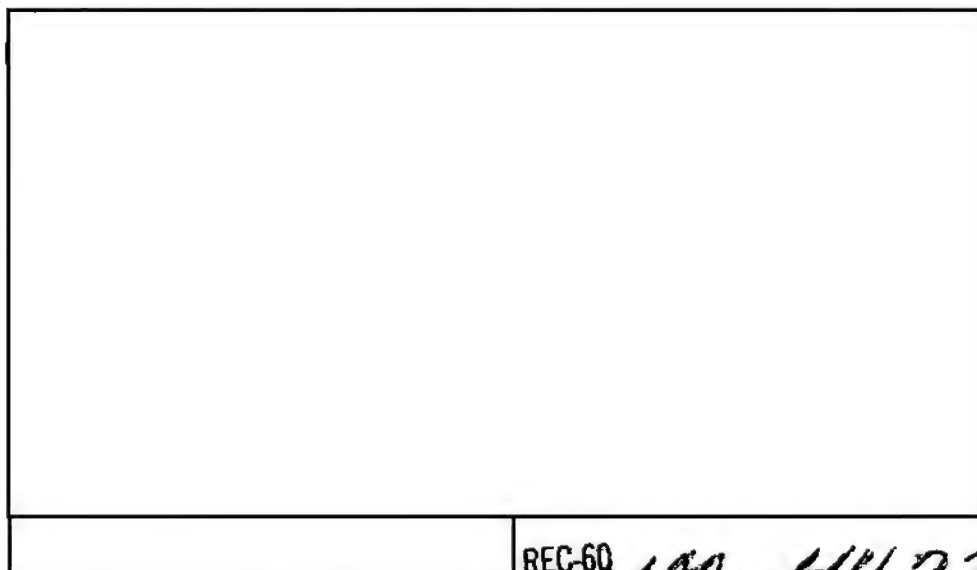
Re San Francisco LHM dated 10/15/75.

b1

☒ On 10/31/75 dissemination was made of referenced LHM

(3)

to:



me
sk

REC-60

100-447251-1296

Remarks: ARMED AND DANGEROUS.

2 - Bureau
1 - Paris
MGZ/srb
(2)

~~SECRET~~

NOV 14 1975

FUG. SUP.

ELAVE

b6
b7C

59 DEC 3 1975

F 262

~~SECRET~~**MESSAGE RELAY**~~CONFIDENTIAL~~Date **11/14/75**Transmit in ☒ Plaintext
☐ Code

Via Teletype the Attached

☐ Immediate☐ Urgent☒ Nite!

Message

From: Director, FBI **100-447251**ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.To: SACs ☒ **NEW YORK**

To: Legats:

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-07-2009To: RUEADWW/ ☐ The President☐ The Vice President☐ White House Situation Room☐ Attn:☐ Attn:RUEBWJA/ ☐ Attorney General☐ Deputy Attorney General☐ Attn: Analysis and Evaluation UnitRUEBWJA/ ☐ Assistant Attorney General, Civil Rights DivisionRUEBWJA/ ☐ Assistant Attorney General, Criminal Division☐ Attn: Internal Security Section☐ Attn: General Crimes SectionRUEABND/ ☐ Drug Enforcement AdministrationRUEANAT/ ☐ National Aeronautics & Space Adm.RUEBWJA/ ☐ Immigration and Naturalization ServiceRUEOLAA/ ☐ National Security AgencyRUEBWJA/ ☐ U. S. Marshal's Service

(DIRNSA/NSOC (Attn: SOO))

RUEBDUA/ ☐ Department of the Air Force (AFOSI)RUEOLKN/ ☐ Naval Investigative ServiceRUEACSI/ ☐ Department of the ArmyRUEAUSA/ ☐ U. S. Postal Service (if Classified)
(Use RUEVDFS if Unclassified)RUEAIIA/ ☐ Director, CIARUEHSE/ ☐ U. S. Secret ServiceRUEBJGA/ ☐ Commandant, U. S. Coast GuardRUEHOC/ ☐ Secretary of StateRUEKJCS/ ☐ Director, Defense Intelligence AgencyRUEBJGA/ ☐ Department of TransportationRHEGGTN/ ☐ Energy Research and Development
Administration

Attn: Director of Security

RUEOGBA/ ☐ Federal Aviation AdministrationFEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

Assoc. Dir. _____

Dep. AD Adm. _____

Dep. AD Inv. _____

Asst. Dir.:

Admin. _____

Comp. Syst. _____

Ext. Affairs _____

Files & Com. _____

Gen. Inv. _____

Ident. _____

Inspection _____

Intell. _____

Laboratory _____

Legal Coun. _____

Plan. & Eval. _____

Spec. Inv. _____

Training _____

Telephone Rm. _____

Director Sec'y _____

CEK:cdl;bvm (2)

☐ Top Secret☐ Secret

Classification:

☐ Confidential☒ UnclassifiedSubject (Text begins next page) **SEE ATTACHED**

Foreign Liaison Unit

☐ Route through for review☐ Cleared telephonically

with _____

61 DEC 2 1975~~SECRET~~MAIL ROOM ☐TELETYPE UNIT ☐**NOV 14 1975**
TELETYPE

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~~CONFIDENTIAL~~

UTAO - ASSAILING WITH INTENT TO COMMIT MURDER

~~CONFIDENTIAL - NO FORN DISSEM - OFFICE TO PARIS ROUTED 10, 1975~~

RE BUCALLS TO NYO 11-14-75.

~~Fig. 617A~~

1. 3.

b1

~~(C)~~ (S)

ACCORDING TO INFORMATION FURNISHED BY PRESS ATTACHE,
AMERICAN EMBASSY, PARIS, CLEAVELAND REPORTEDLY HAS ADVISED LOCAL
NEWS MEDIA CONTACTS IN PARIS NO PLANS TO OBTAIN DOCUMENTATION
FOR TRAVEL TO UNITED STATES IN NEAR FUTURE.

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED~~

~~DATE 01-10-2001 BY 60322 UCBAW/STP~~

JUSTICE DEPARTMENT ADVISES RETURN OF CLEAVER FROM PARIS BY
FBI CURRENTLY SCHEDULED FOR 11-18-75.
NYO ADVISE ITINERARY FOR TRAVEL.

ARMED AND DANGEROUS.

~~SECRET~~

~~CONFIDENTIAL - SECURITY INFORMATION~~

me. D. 5

CODE

TELETYPE

URGENT

NOVEMBER 14, 1975

TO LEGAT PARIS

FROM DIRECTOR FBI (100-447251) *AD*

P LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, I. O.
#4239, W. F. #447; EM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; OO: SAN FRANCISCO.

REBUCAL AND BUTEL TO NEW YORK AND LEGAT PARIS
NOVEMBER 14, 1975.

NO ATTEMPT SHOULD BE MADE TO OBTAIN WAIVER
OF REMOVAL THROUGH CLEAVER'S ATTORNEY. *L*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-07-2008 BY 60322/UCLRP/PJ/EHL

REC-9 100-447251-1298

1 - Foreign Liaison Unit (detached)

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

KMR:bvm (4)

100-447251-1298

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 15 1975

TELETYPE



MAIL ROOM ☐

TELETYPE UNIT ☐

b6
b7C

PLAINTEXT

TELETYPE

URGENT

11/14/75

TO LEGAT PARIS (88-256) (CODE)
SAC, NEW YORK

FROM DIRECTOR FBI (100-447251)

LEROI ELDRIDGE CLEAVER, AKA - FUGITIVE, I.O. #4239,
W.F. #447; EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT
MURDER; OO: SAN FRANCISCO.

REBUTELCALLS TO LEGAT AND NEW YORK OFFICE THIS DATE.

FOR INFORMATION NEW YORK, STATE DEPARTMENT HAS
OBTAINED AIRLINE TICKET FOR CLEAVER FOR FLIGHT #805, TWA,
LEAVING DE GAULLE AIRPORT, PARIS, TUESDAY NOON, NOVEMBER 18,
NEXT. ARRANGEMENTS MADE BY DEPARTMENT OF JUSTICE WHEREBY
CLEAVER WILL BE CONFINED METROPOLITAN CORRECTIONS CENTER
UPON ARRIVAL NEW YORK CITY.

FOR INFORMATION LEGAT, CLEAVER'S ATTORNEY IN PARIS IS

[REDACTED] REPORTEDLY A FORMER EMPLOYEE OF STATE
DEPARTMENT WHO WAS WELL ACQUAINTED WITH EMBASSY PERSONNEL.

HIS HOME ADDRESS IS [REDACTED] HOME PHONE NUMBER

[REDACTED] OFFICE PHONE NUMBER [REDACTED] ADVISE [REDACTED]

CLEAVER WILL BE CONFINED IN CALIFORNIA AT METROPOLITAN

1 - [REDACTED]
1 - [REDACTED]
1 - [REDACTED]
1 - Foreign Liaison Unit

CWH:klo (7)

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Tech. Serv. _____
Director _____

EX-112
REC-66
100-447251
NOV 19 1975
TELETYPE
CIVIL

GPO 554-546

TELETYPE TO LEGAT, PARIS
RE: LEROY ELDRIDGE CLEAVER

CORRECTIONS CENTER, SAN DIEGO.

SAC, JAMES O. INGRAM AND SA [REDACTED] NYO,
SCHEDULED TO DEPART JFK AIRPORT VIA TWA FLIGHT #800,
7:30 P.M., SUNDAY, NOVEMBER 16, 1976, ARRIVING DE GAULLE
AIRPORT, PARIS, 8:25 A. M., MONDAY. NEITHER AGENT WILL
BE ARMED.

LEGAT REQUESTED TO MAKE ARRANGEMENTS TO MEET
AGENTS AT AIRPORT AND FOR NECESSARY LODGING.

BUREAU IS FOLLOWING WITH STATE DEPARTMENT MATTER
OF ENTRY PERMIT FOR CLEAVER AND EVERY EFFORT BEING
MADE TO EXPEDITE SAME.

THROUGH CLEAVER'S ATTORNEY, CLEAVER SHOULD BE
REQUESTED TO ~~SIGN WAIVER OF REMOVAL FORM WITH LANGUAGE~~
~~AS FOLLOWS:~~

~~I, LEROY ELDRIDGE CLEAVER, CHARGED IN THE PROCEEDING~~
~~PENDING IN THE NORTHERN DISTRICT OF CALIFORNIA WITH~~
~~VIOLATION OF THE FUGITIVE FELON ACT AND HAVING BEEN~~
~~ARRESTED IN THE SOUTHERN DISTRICT OF NEW YORK AND TAKEN~~
~~BEFORE MARTIN D. JACOBS, A U.S. MAGISTRATE FOR THAT~~
~~DISTRICT, WHO INFORMED ME OF THE CHARGE AND MY RIGHT~~
~~TO RETAIN COUNSEL OR REQUEST THE ASSIGNMENT OF COUNSEL~~

b6
b7C

TELETYPE TO LEGAT, PARIS
RE: LEROY ELDRIDGE CLEAVER

~~OR EXECUTE A WAIVER THEREOF, DO HEREBY WAIVE A
HEARING BEFORE THE AFOREMENTIONED MAGISTRATE AND
CONSENT TO THE ISSUANCE OF A WARRANT FOR MY REMOVAL
TO THE NORTHERN DISTRICT OF CALIFORNIA WHERE THE
AFORESAID CHARGE IS PENDING AGAINST ME.~~

IF HE WILL AGREE, HE SHOULD FURNISH A STATEMENT
IN WRITING ATTESTING TO THE FACT THAT HE IS VOLUNTARILY
RETURNING TO THE UNITED STATES.

PLAINTEXT

TELETYPE

URGENT

TO: SAC, SAN FRANCISCO (88-12329)

11/17/75

FROM: DIRECTOR, FBI (100-447251)

73
LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, I.O. #4239,
W.F. #447, EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT
MURDER, OO: SAN FRANCISCO.

REBUCALL NOVEMBER 14, 1975.

ARRANGEMENTS HAVE BEEN MADE BY THE PARIS ATTORNEY
OF SUBJECT WITH THE JUSTICE DEPARTMENT AND DEPARTMENT
OF STATE FOR CLEAVER TO VOLUNTARILY RETURN TO U.S.
NOVEMBER 18, 1975. CLEAVER WILL BE ESCORTED BY
SAC JAMES O. INGRAM AND SA [REDACTED] AND UPON
ARRIVAL IN U.S. WILL BE TAKEN INTO CUSTODY BY FBI AGENTS,
PROMPTLY AFFORDED MAGISTRATE'S HEARING, AND LODGED
AT THE METROPOLITAN CORRECTION CENTER, 150 PARK ROW,
NEW YORK CITY. PRESENT PLANS ARE THAT HE WILL LATER
BE TRANSPORTED TO THE METROPOLITAN CORRECTION CENTER,

103
REC 4 100-447251-1300

b6
b7C

NOTE: Subject has been sought since 1968 when he fled the country
following the revocation of his parole after being involved in a shoot-out
with Oakland police officers. Above advises San Francisco of his
voluntary return to U.S. and instructs them to have UFAC process
dismissed upon his arrival in U.S.

CEK:mjl/sda

(3)

NOV 18 1975

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 17 1975
HJP SJP
TELETYPE

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

NOV
MAIL ROOM ☐

TELETYPE UNIT ☒

TELETYPE TO SAC, SAN FRANCISCO
RE: LEROY ELDRIDGE CLEAVER, AKA

808 UNION STREET, SAN DIEGO, CALIFORNIA, BY BUREAU
OF PRISONS PERSONNEL.

UPON ARRIVAL OF SUBJECT IN CALIFORNIA, PROMPTLY
CONTACT U. S. ATTORNEY REGARDING DISMISSAL OF UFAC
PROCESS.

FBI

~~SECRET~~

Date: 10/31/75

Transmit the following in _____

(Type in plaintext or code)

Via - AIRTEL

AIR MAIL

(Priority)

TO: DIRECTOR, FBI (100-447251)

FROM: LEGAT, PARIS (88-256) (P)

RE: LEROY ELDRIDGE CLEAVER, aka -
 FUGITIVE
 I.O. #4239, WF 447
 EM - BPP; UFAC - ASSAULT WITH
 INTENT TO COMMIT MURDER
 OO: San Francisco

EXEMPTED FROM AUTOMATIC
 DECLASSIFICATION
 AUTHORITY DERIVED FROM:
 FBI AUTOMATIC DECLASSIFICATION GUIDE
 EXEMPTION CODE 25X(1, 6)
 DATE 10-07-2008

Re San Francisco LHM 10/15/75, Parcab 10/14/75,
 and Bonn cable 10/14/75.

Paris will remain alert for any information concerning
 travel by CLEAVER to Germany and the Bureau and interested
 offices will be advised.

ARMED AND DANGEROUS.

- 5 - Bureau
 (1 - Foreign Liaison Unit)
 (2 - San Francisco)
 1 - Legat, Bonn (Direct)
 1 - Paris
 MGZ/srb
 (7)

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE

~~SECRET~~

Approved: _____

Special Agent in Charge

Sent _____

M

Per _____

FIVE

b1

b6
b7C

Assoc. Dir.	
Dep. Asst. Dir.:	
Dep. AD Inv.	
Asst. Dir.:	
Admin.	
Comp. Syst.	
Ext. Affairs	
Files & Com.	
Gen. Inv.	
Ident.	
Inspection	
Intell.	
Laboratory	
Legal Coun.	
Plan. & Eval.	
Spec. Inv.	
Training	
Telephone Rm.	
Director Sec'y	

61 NOV 28 1975

COMMUNICATIONS SECTION

NOV 12 1975

TELETYPE

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-29-2008 BY 60322/UCLRP/PJ/EHL

LIMITED OFFICIAL USE

FBB790

PAGE 01 PARIS 29437 121735Z

66

ACTION PPT-01

b6
b7C

INFO OCT-01 EUR-12 ISO-00 SCS-03 FBIE-00 SCA-01 L-03 H-02

SY-05 /028 W

REC-9

100-447251-1302

NOV 20 1975

R 121731Z NOV 75

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 5092

LIMITED OFFICIAL USE PARIS 29437

368
61 NOV 28 1975

~~E.O.~~ 11652: N/A

TAGS:CPAS/CASC (CLEAVER, LEROY ELDRIDGE)

SUBJECT:POSSIBLE RETURN OF LEROY ELDRIDGE CLEAVER

REF: PARIS 14354 OF MAY 23, 1973

1. WE HAVE BEEN ADVISED BY LEGATT THAT FBI/WASHINGTON D.C. HAS REPORTED THAT LEROY ELDRIDGE CLEAVER IS CONTEMPLATING RETURNING TO U.S. SOON. CLEAVER HAS NOT REPEAT NOT YET DIRECTLY CONTACTED EMBASSY ABOUT HIS RETURN. CLEAVER IS SUBJECT OF PASSPORT LOOKOUT CARD DATED JULY 30, 1969.

2. CONSIDERING POSSIBILITY THAT CLEAVER WILL DECIDE RETURN AND REQUEST TRAVEL DOCUMENT, EMBASSY REQUESTS DEPARTMENT AUTHORIZE EITHER ISSUANCE OF PASSPORT VALID ONLY FOR DIRECT TRAVEL TO U.S. OR PASSPORT WAIVER AND TRAVEL LETTER.

3. WE WILL ADVISE DEPARTMENT OF FURTHER DEVELOPMENT.
RUSH

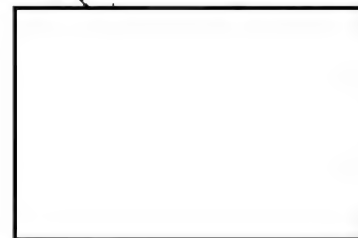
CLASSIFIED OCT 1975 FBI 149

b6
b7C

NOV 18 1975

PAGE 01 PARIS 29970 181205Z

TELETYPE



15 S

ACTION L-03

INFO OCT-01 EUR-12 ISO-00 SS-15 JUSE-00 PPTE-00 SCA-01

INSE-00 FBIE-00 SSO-00 SCSE-00 H-02 DHA-02 /036 W

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0 181204Z NOV
FM AMEMBASSY PARIS

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-29-2009 BY 60322/UCLRP/PJ/EHL

TO SECSTATE WASHDC IMMEDIATE 5263

UNCLAS PARIS 29970

E.O. 11652: N/A

TAGS: PFOR, FR, CPAS (CLEAVER, LEROY ELDRIDGE)

SUBJECT: RETURN OF FUGITIVE TO US: ELDRIDGE CLEAVER

REF: STATE 271346; PARIS 29842

REC-18

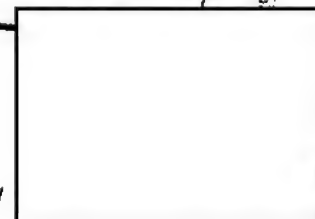
100-447251-1303

1. TWA FLIGHT 803 WITH SUBJECT ABOARD DELAYED APPROXI-
MATELY TWO HOURS ON RUNWAY DUE TO OBSTRUCTION. WILL
CABLE WHEN AIRBORNE.

RUSH

5 5 DEC 4 1975

NOV 20 1975



UNCLASSIFIED

FB8071

IS-1

PAGE ONE PARIS 29842

171046Z

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 17 1975

11

ACTION PPTE-00

TELETYPE

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10-29-2009 BY 60322/JCLRP/PJ/EHL

INFO OCT-01 SCA-01 ISO-00 SSO-00 INSE-00 SY-05 JUSE-00

FBIE-00 /007 W

041972

O 171046Z NOV 75

FM AMEMBASSY PARIS

TO SECSTATE WASHDC IMMEDIATE 5223

UNCLAS PARIS 29842

REC 8100-447251-1304

E.O. 11652: N/A

TAGS: CPAS (CLEAVER, LEROY ELDRIDGE)

SUBJECT: RETURN OF FUGITIVE TO US; ELDRIDGE CLEAVER

61 NOV 28 1975

NOV 20 1975

b6
b7C

PASSPORT WAIVER LETTER ISSUED TO LEROY ELDRIDGE CLEAVER
(DPOB: AUG 31, 1935, LITTLE ROCK, ARKANSAS) ON MORNING
OF NOV 17, 1975, VALID SOLELY FOR HIS DIRECT RETURN
TO THE U.S. ON NOV 18, DEPARTING PARIS 12 NOON ON TWA
FLIGHT 803, ARRIVING JFKENNEDY AIRPORT NEW YORK
SAME DAY AT 14:55 P.M. ORIGINAL OF LETTER AND COPY
CLEAVER PASSPORT APPLICATION IN SEALED ENVELOPE
ADDRESSED TO OFFICER-IN-CHARGE, INS JFK AIRPORT.
CLEAVER GIVEN COPY WAIVER LETTER FOR CAPTAIN OF AIRCRAFT.
RUSH

~~1-1075~~
cc Per 1

2

1

~~SECRET~~

Dir. Adm.	_____
Dep. A.D.-Adm.	_____
Dep. A.D.-Inv.	_____
Asst. Dir.:	_____
Adm. Serv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

11:30 AM URGENT 11/14/75 COMMUNICATIONS SECTION

TO DIRECTOR (100-447251) NR NOV 14 1975

FROM LEGAT PARIS (88-256)

TELETYPE

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, IO 447, EM - BPP;

UFAC - ASSAULT WITH INTENT TO COMMIT MURDER

RE BUREAU TELEPHONE CALLS TO PARIS NOVEMBER 10, 1975,

BUCAB 10/15/75.

Fug. SUPVR.
8050

b1

REC-60 100-447251-1305

ACCORDING TO INFORMATION FURNISHED BY PRESS ATTACHE,
AMERICAN EMBASSY, PARIS, CLEAVER REPORTEDLY HAS ADVISED LOCAL
NEWS MEDIA CONTACTS IN PARIS HE PLANS TO OBTAIN DOCUMENTATION
FOR TRAVEL TO UNITED STATES IN NEAR FUTURE.

NOV 21 1975

IN VIEW OF ABOVE, BUREAU IS REQUESTED TO FURNISH PERTINENT
INFORMATION RE RETURN OF CLEAVER TO THE UNITED STATES.

ARMED AND DANGEROUS.

END EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-07-2008

ARRANGEMENTS - BEING
MADE TO RETURN HIM
Wednesday.

~~SECRET~~

b6
b7C

66 NOV 28 1975

ru - Div 5

1 - E 1 Assistant Director

PLAINTEXT

TELETYPE

NITEL

11/18/75

TO ALL SACS
ALL LEGATS

FROM DIRECTOR, FBI (100-447251)

LEROY ELDRIDGE CLEAVER - FUGITIVE, I.O. #4239,
WANTED FLYER #447, RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER, OO: SF.

DISCONTINUE. CLEAVER VOLUNTARILY RETURNED TO
U.S. FROM PARIS, FRANCE, AND TAKEN INTO CUSTODY BY
BUREAU AGENTS UPON HIS ARRIVAL JOHN F. KENNEDY
INTERNATIONAL AIRPORT, NEW YORK CITY, ON NOVEMBER 18,
1975.

1 - Foreign Liaison Unit

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-07-2008 BY 60322/UCLRP/PJ/EHL

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

CEK:mjl (20)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 18 1975

REC 8

TELETYPE UNIT
RECEIVED

TELETYPE

100-447251-1306

NOV 18 5 14 PM '75

NOV 20 1975

59 DEC 2 1975

MAIL ROOM ☐

TELETYPE UNIT ☐

GPO 934-546

b6
b7C

1 - Each Assistant Director

PLAINTEXT

TELETYPE

NITEL

FBI/PA
11/18/75

TO ALL SACS
ALL LEGATS

FROM DIRECTOR, FBI (100-447251)

LEROY ELDRIDGE CLEAVER - FUGITIVE, I.O. #4239,
WANTED FLYER #447, RM - DPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER, OO: SF. *FBI 214-830-B*

DISCONTINUE. CLEAVER VOLUNTARILY RETURNED TO
U.S. FROM PARIS, FRANCE, AND TAKEN INTO CUSTODY BY
BUREAU AGENTS UPON HIS ARRIVAL JOHN F. KENNEDY
INTERNATIONAL AIRPORT, NEW YORK CITY, ON NOVEMBER 18,
1975. *11-21-75
JFK*

1 - Foreign Liaison Unit

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-07-2008 BY 60322/UCLRP/PJ/EHL

CEK:mjl (20)

*100-447251-1306
FBI/PA*

PAGE 01 PARIS 30208 181006Z

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 18 1975

50 S

TELETYPE

ACTION LAPE

INFO OCT-01 EUR-12 ISO-00 JUSE-00 SS-15 SP-02 NSC-05

NSCE-00 FBIE-00 SSO-00 CCO-00

INR-07 INRE-00

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061947

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b7C

Z 181605Z NOV 75 ZFF 4

FM AMEMBASSY PARIS

TO SECSTATE WASHDC FLASH 5273

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-29-2008 BY 60322/UCLRP/PJ/EHL

UNCLAS PARIS 30008

E.O. 11652: N/A

TAGS: PFOR, FR, CPAS (CLEAVER' LEROY ELDRIDGE)

SUBJECT: RETURN OF FUGITIVE TO US: ELDRIDGE CLEAVER

EX-112

REF: STATE 271346; PARIS 29842, PARIS 29970

REC-3 100-447251-1307

NOV 20 1975

TWA FLIGHT 803 WITH SUBJECT ABOARD DEPARTED PARIS

1540 ETA NEW YORK 1800.

RUSH

NOTE BY OC/T: DISTRIBUTION COORDINATED WITH S/S-O:MR.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-07-2009 BY 60322/JCLRP/PJ/EHL

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

11-18-1975

TELETYPE

Assoc. Dir.	_____
Dep. A.D.-Adm.	_____
Dep. A.D.-Inv.	_____
Asst. Dir.:	_____
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

4:50 PM IMMEDIATE 11-18-75 KVM

TO DIRECTOR (100-447251)

NR 212-18

FROM LEGAT PARIS (88-256)

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, IO 447; EM - BPP;

UFAC - ASSAULT WITH INTENT TO COMMIT MURDER.

REBUCABS NOVEMBER 14, 1975.

SAC JAMES O. INGRAM, SA [REDACTED] AND SUBJECT

DEPARTED ROISSY EN FRANCE 3:35 P.M. VIA TWA FLIGHT 803

EN ROUTE NEW YORK CITY, ETA 5:30 P.M., EASTERN STANDARD TIME.

CONSUL GENERAL WILLIAM CONNETT, PARIS, PROVIDED SUBJECT
WITH TRAVEL DOCUMENTATION AND PLANE TICKET TO NEW YORK CITY.

SUBJECT HELD PRESS CONFERENCE WITH CBS CORRESPONDENT. STATEMENT
OF VOLUNTARY RETURN EXECUTED BY SUBJECT AND IN POSSESSION OF
SAC INGRAM. NATIONAL NETWORK PRESS ABOARD SAME FLIGHT.

BUREAU REQUESTED TO ADVISE NEW YORK.

ARMED AND DANGEROUS.

END

EX 103

REC-60

100-447251-1308

NOV 26 1975

FIVE

relayed NY 5P
EX: coll
11/18/75

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66 DEC 4 1975

CC - DIV 5

✓ Fug. SUPER.
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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

Assoc. Dir. _____
Dep.-A.D.-Adm. _____
Dep.-A.D.-Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

NR 016 SF CODE

5:38PM NITEL NOVEMBER 19, 1975, NJE

TO: DIRECTOR (100-447251)

TELETYPE

NEW YORK (100-161321)

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-07-2009 BY 60322/UCLRP/PJ/EHL

SAN DIEGO (88-5033)

FROM: SAN FRANCISCO (88-12329)

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE; IO 477; EM-BPP;

UFAC - ASSAULT WITH INTENT TO COMMIT MURDER.

RE NEW YORK TELETYPE NOVEMBER 19, 1975, AND SAN DIEGO TELEPHONE
CALL TO SAN FRANCISCO NOVEMBER 19, 1975.

CLEAVER ARRIVED SAN DIEGO 2:15 P.M. INSTANT DATE AS SCHEDULED.
WAS TRANSPORTED BY MOTORCADE FROM AIRPORT TO METROPOLITAN CORRECTION
CENTER, 808 UNION STREET, SAN DIEGO, WHERE HE CONTINUES TO BE HELD.

CALIFORNIA STATE DEPARTMENT OF CORRECTIONS, IS
PRESENT AT ABOVE CORRECTION CENTER IN POSSESSION OF CERTIFIED COPY
OF STATE WARRANT AGAINST CLEAVER FOR VIOLATION OF PAROLE AND READY TO
ACCEPT CUSTODY OF CLEAVER.

ASSISTANT U.S. ATTORNEY STEELE LANGFORD, SAN FRANCISCO,
CRIMINAL CHIEF, ADVISED THAT UFAC PROCESS WILL BE DISMISSED
NOVEMBER 20, 1975, AFTER CONFERRING WITH OFFICE OF DEPUTY
ATTORNEY GENERAL, WASHINGTON, D.C. DUE TO TIME DIFFERENCE LANGFORD
UNABLE TO DISMISS THIS DATE.

BUREAU WILL BE ADVISED WHEN PROCESS DISMISSED.

END

HOLD

ACK 5 LXS FBIHQ

CC: INTELL. DIV.

b6
b7C

NOV 25 1975

NA
11/21/75
m 57

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 20 1975

TELETYPE

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	_____
Admin.	_____
Comp. S.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

NR 0012 SF CODE

7:31PM NITEL 11/20/75 CHL

TO DIRECTOR, FBI (100-447251)

SAN DIEGO (88-5033)

FROM SAN FRANCISCO (88-2329)

ATTN INTD, SID, GID.

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE; IO 447; EM - BPP;

UFAC - ASSAULT WITH INTENT TO COMMIT MURDER.

RE SAN FRANCISCO TELETYPE TO BUREAU NOVEMBER 19, 1975.

ASSISTANT U.S. ATTORNEY STEELE LANGFORD, CRIMINAL CHIEF,
SAN FRANCISCO, ADVISED THAT IT NOW APPEARS CLEAVER WILL BE
SERVING HIS SENTENCE AT THE METROPOLITAN CORRECTION CENTER,
808 UNION STREET, SAN DIEGO, UNDER A CONTRACT ARRANGEMENT
BETWEEN THE FEDERAL BUREAU OF PRISONS AND THE CALIFORNIA

STATE DEPARTMENT OF CORRECTIONS. REC-1500-447251-1310

LANGFORD STATED THE FEDERAL UFAC PROCESS WILL NOT BE
DISMISSED UNTIL THE ABOVE CONTRACT ARRANGEMENT HAS BEEN AGREED
UPON AND FINALIZED, AT WHICH TIME HE WILL CONTACT THE SAN
FRANCISCO OFFICE.

BUREAU WILL BE KEPT ADVISED OF ANY PERTINENT DEVELOPEMENTS.

END

HOLD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-07-2008 BY 60322/UCLRP/PJ/

66 DEC 10 1975

CC - Inlet F-20-3

MESSAGE RELAY

Transmit in ☒ Plaintext ☐ Code Via Teletype the Attached ☐ Immediate ☐ Urgent ☒ Nitel Message

Date 11-18-75

From: Director, FBI 100-447251

To: SACs: NEW YORK (100-161321)
SAN FRANCISCO (88-12329)

To: Legats:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-07-2003 BY 60322/UCLRP/PJ/EHL

To: RUEADWW/ ☐ The President ☐ The Vice President ☐ White House Situation Room
☐ Attn: ☐ Attn:

RUEBWJA/ ☐ Attorney General ☐ Deputy Attorney General
☐ Attn: Analysis and Evaluation Unit

RUEBWJA/ ☐ Assistant Attorney General, Civil Rights Division
RUEBWJA/ ☐ Assistant Attorney General, Criminal Division
☐ Attn: Internal Security Section ☐ Attn: General Crimes Section

RUEABND/ ☐ Drug Enforcement Administration RUEANAT/ ☐ National Aeronautics & Space Adm.
RUEBWJA/ ☐ Immigration and Naturalization Service RUEOIAA/ ☐ National Security Agency
(DIRNSA/NSOC (Attn: SOO))

RUEBWJA/ ☐ U. S. Marshal's Service RUEOLKN/ ☐ Naval Investigative Service
RUEBDUA/ ☐ Department of the Air Force (AFOSI) RUEAUSA/ ☐ U. S. Postal Service (if Classified)
(Use RUEVDFS if Unclassified)

RUEACSI/ ☐ Department of the Army RUEHSE/ ☐ U. S. Secret Service (PID)
RUEAHIA/ ☐ Director, CIA RUEHOC/ ☐ Secretary of State

RUEBJGA/ ☐ Commandant, U. S. Coast Guard RUEBJGA/ ☐ Department of Transportation
(Attn: Director of Security)

RUEKJCS/ ☐ Director, Defense Intelligence Agency
RHEGGTN/ ☐ Energy Research and Development Administration
RUEOGBA/ ☐ Federal Aviation Administration

EX-115

NOV 20 1975

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 18 1975

TELETYPE

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

Classification: ☐ Top Secret
☐ Secret
☐ Confidential
☒ Unclassified

Subject (Text begins next page):

SEE ATTACHED

MAIL ROOM ☐ TELETYPE UNIT ☒

Foreign Liaison Unit
☐ Route through for review
☐ Cleared telephonically
with _____

CEK:cdl (2)

Assoc. Dir.	
Dep. Asst. Dir.:	
Adm. Serv.	
Ident.	
Inspection	
Intell.	
Lab.	
Plan. & Eval.	
Spec. Inv.	
Training	
Legal Coun.	
Telephone Rm.	
Director's Sec'y	

~~4:50 PM IMMEDIATE 11-18-75 RWK~~

~~TO DIRECTOR (100-447231)~~

~~NR 012-18~~

~~FROM LEGAT PARIS (98-256)~~

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, IO 447; EM - BPP;
UFAC - ASSAULT WITH INTENT TO COMMIT MURDER.

~~REBUONDC NOVEMBER 14, 1975.~~

RE BUCALLS 11-18-75.

SAC JAMES O. INGRAM, SA [REDACTED] AND SUBJECT

DEPARTED ROISSY EN FRANCE 3:35 P.M. VIA TWA FLIGHT 803

EN ROUTE NEW YORK CITY, ETA 5:30 P.M., EASTERN STANDARD TIME.

CONSUL GENERAL WILLIAM CONNETT, PARIS, PROVIDED SUBJECT
WITH TRAVEL DOCUMENTATION AND PLANE TICKET TO NEW YORK CITY.
SUBJECT HELD PRESS CONFERENCE WITH CBS CORRESPONDENT. STATEMENT
OF VOLUNTARY RETURN EXECUTED BY SUBJECT AND IN POSSESSION OF
SAC INGRAM. NATIONAL NETWORK PRESS ABOARD SAME FLIGHT.

~~BUREAU REQUESTED TO ADVISE NEW YORK.~~

ARMED AND DANGEROUS.

END

b6
b7C

100-2105

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1214327-0

Total Deleted Page(s) = 41

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Page 71 ~ b5;
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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

SF 553

FFR 25 1976

NR 007 SF CODE

TELETYPE

4:25 PM URGENT 2/25/76 JMK

TO DIRECTOR (164-2672)

SAN DIEGO

FROM SAN FRANCISCO (88-12329) (P)

LEROY ELDRIDGE CLEAVER, EM- BPP.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/JCLRP/PJ/EHL/pec. Inv.

Assoc. Dir. _____
Dep.-A.D.-Adm. _____
Dep.-A.D.-Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

RE SAN FRANCISCO TELETYPE TO BUREAU DATED FEBRUARY 11, 1976 AND
BUREAU TELETYPE TO SAN FRANCISCO AND SAN DIEGO DATED FEBRUARY 23,
1976.

PRETRIAL HEARING HELD FEBRUARY 23, 1976, AS SCHEDULED. JUDGE
LIONEL WILSON ACCEPTED GEORGE V. HIGGINS AS CLEAVER'S ATTORNEY WITH
MAXINE SCHNEIDER AS ATTORNEY OF RECORD. SCHNEIDER'S LAW FIRM
AFFILIATION IS UNKNOWN. SHE PROVIDES ADDRESS OF [REDACTED]
[REDACTED] SAN DIEGO, CALIFORNIA, TELEPHONE NUMBER [REDACTED].

HIGGINS ADVISED JUDGE WILSON THAT HE INTENDS TO SUBPOENA FBI,
CIA, U.S. STATE DEPARTMENT AND U.S. DEPARTMENT OF TRANSPORTATION
FILES, ETC. ON CLEAVER TO SHOW CLEAVER'S ACTIONS IN 1968 SHOOTOUT
WITH OAKLAND POLICE DEPARTMENT IN SELF-DEFENSE. HEARING CONTINUED
UNTIL MARCH 11, 1976. ALAMEDA COUNTY ASSISTANT DISTRICT ATTORNEY
TOM ORLOFF WANTS TO START TRIAL IN MAY OR JUNE 1976. HIGGINS DOUBT-
FUL THAT HE WILL BE PREPARED TO START AT THAT TIME. HEARING ATTEND-
ED BY [REDACTED] ACCOMPANIED BY THREE BLACK UNKNOWN
SUBJECT'S. NO BLACK PANTHER PARTY (BPP) MEMBERS PRESENT. APPROXIMAT-
ELY TEN INDIVIDUALS WERE IN GALLERY DURING HEARING.

EX-115

REC-78

100-447251-356

MAR 5 1976

relayed to Paris
CER 3-4-76
info VETAWNT 2-26-76

b6
b7C

PAGE TWO SF (88-12329)

REGARDING REFERENCED BUREAU TELETYPE TO SAN FRANCISCO AND SAN DIEGO, SPECIAL AGENTS [REDACTED] AND [REDACTED] MET WITH ATTORNEYS GEORGE V. HIGGINS AND FRANK J. RAGEN FOR PERMISSION TO INTERVIEW CLEAVER REGARDING [REDACTED] ET AL AND [REDACTED] BOTH ATTORNEYS WERE COOPERATIVE AND AGREED TO THE INTERVIEW OF CLEAVER HOWEVER, CLEAVER DECLINED TO TALK WITH AGENTS UNTIL CURRENT CHARGES PENDING AGAINST HIM ARE RESOLVED.

ALAMEDA COUNTY ASSISTANT DISTRICT ATTORNEY TOM ORLOFF ADVISED OF RESULTS OF THE MEETING WITH CLEAVER'S ATTORNEYS. HIGGINS ADVISED HE WOULD CONTACT SA [REDACTED] IF AND WHEN CLEAVER CHANGES HIS MIND REGARDING INTERVIEW. HIGGINS FURTHER ADVISED THAT HE WOULD PROVIDE SA [REDACTED] WITH A LOCAL ADDRESS INASMUCH AS HE WAS CURRENTLY SEARCHING FOR AN APARTMENT IN OAKLAND, CALIFORNIA, TO UTILIZE AS OFFICE SPACE.

TO CLARIFY CLEAVER'S LEGAL REPRESENTATION ATTORNEY RAGEN ADVISED THAT HIGGINS IS THE CHIEF COUNSEL FOR CLEAVER AND THAT HE (RAGEN) AND MAXINE SCHNEIDER WERE WORKING WITH HIGGINS BUT CONCENTRATING ON CLEAVER'S PROBLEMS WITH THE CALIFORNIA ADULT AUTHORITY. HIGGINS ADVISED THAT HE ANTICIPATES MORE CALIFORNIA ATTORNEYS ASSISTING IN

PAGE THREE SF 88-12329)

CLEAVER'S CASE BUT IS UNCERTAIN WHO THEY WILL BE AT PRESENT TIME.

SAN DIEGO SHOULD NOTE RAGEN PROVIDED ADDRESS OF [REDACTED]

[REDACTED] TELEPHONE NUMBER [REDACTED]

SAN FRANCISCO WILL CONTINUE TO KEEP BUREAU ADVISED OF DEVELOP-
MENTS.

END

b6
b7C

EX-104

REC-94

100 - 447251-1357 April 20, 1976

Frank J. Ragen, Esq.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

b6
b7C

Dear Mr. Ragen:

On April 2, 1976, this Bureau received your communications concerning the identification record for Mr. Leroy Eldridge Cleaver. Since this Bureau does not charge for this type of service, your checks are returned herewith along with your stamped, self-addressed envelope.

For your information, the Identification Division has expunged the arrest of February 13, 1954, and the fingerprint card has been returned to the Los Angeles, California, Police Department.

On the basis of the information furnished, we were unable to locate a Computerized Criminal History Record for Mr. Cleaver in the National Crime Information Center.

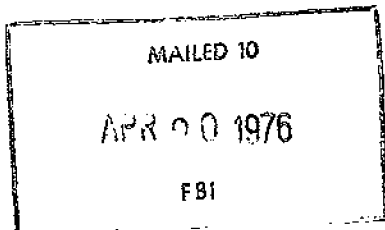
A revised copy of Mr. Cleaver's identification record, reflecting the expungement of the February 13, 1954, arrest entry, has been furnished to all prior recipients.

Sincerely yours,



Richard H. Ash
Assistant Director
Identification Division

cc. Dir. _____
sp. AD Adm. _____
sp. AD Inv. _____
t. Dir. _____
lmin. _____
imp. Syst. _____
t. Affairs _____
es & Com. _____
t. Inv. _____
ent. _____
pection _____
ell. _____
boratory _____
n. & Eval. _____
ica Inv. _____
nding _____
goun. _____
ine Rm. _____
c. Sec. _____



Enclosures (3) - 2 \$5.00 Checks and self-addressed envelope.

DS:djwd
(4)

NOTE: Subject of FBI# 214 830 B. This matter was coordinated with [redacted] NCIC, who advised using name and date of birth as furnished, there was no Computerized Criminal History Record on Cleaver. Utilized 1 self-addressed stamped envelope.

b6
b7C

56 APR 30 1976

TELETYPE UNIT ☐

GPO 554-346

Name, Address, and Telephone Number
of Attorney(s)

Frank J. Ragen

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UOLRP/PJ/EHL

b6
b7C

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

In Re The Matter Of

LEROY ELDRIDGE CLEAVER

For Destruction of Records.

PETITION PURSUANT TO
SECTION 11361.5(b)
HEALTH & SAFETY CODE

I, LEROY ELDRIDGE CLEAVER declare that I am the petitioner in this action;

My date of birth is August 31, 1935

My Social Security number is 562-42-5477

That I was arrested on or about February 13, 1954 under the name

Leroy Eldridge Cleaver by the following law enforcement agency Los Angeles Police Dept.

for a violation of section 11500 Health & Safety Code. Pursuant to that arrest I
was: (Check ALL items below which apply to this matter.)

() Arrested but not charged.

(xxx) Booked into Los Angeles County Jail.

() Charged with a misdemeanor in case # _____ in _____
Municipal Court. (If this item is checked a certified copy of the Municipal Court docket sheet MUST
be attached.)

(xxx) Charged with a felony in case # 162601 and had a preliminary hearing in
Angeles
Division 11, Los Municipal Court and jury trial in Superior Court, Dept. 45

ENCLOSURE

() Did NOT have subsequent proceedings in the Superior Court. (If this item is
checked a certified copy of the Municipal Court docket sheet MUST be attached.)

(xxx) Did have subsequent proceedings in the Superior Court in case # 17 1028622 1976

() Registered under section 11590 Health & Safety Code in Los Angeles
(City)

FILE
FBS: D

That I am not now on probation or parole as a result of the arrest which is the subject of this petition, nor is the matter pending in any manner before any court or agency.

I am informed and believe and therefore allege that there are fingerprint exemplars, booking photos, arrest and other records pertaining to this arrest and/or conviction in the possession of the following agencies: (List all courts and/or agencies which you believe have such records.)

1. Federal Bureau of Investigation; Washington, D.C.
2. Adult Authority; Sacramento, CA
3. Central Intelligence Agency; Washington, D.C.
4. Los Angeles Police Dept.
5. San Francisco Police Dept.
6. Department of Motor Vehicles; Sacramento, CA
7. Bureau of Criminal Statistics
8. NCC.I.C.; Washington, D.C.
9. Criminal Identification and Investigation; Sacramento, CA
10. Oakland Police Dept.

Pursuant to section 11361.5(b), Health & Safety Code I hereby request destruction of all such records in the manner provided in section 11361.5(c), Health & Safety Code.

I declare under penalty of perjury that the foregoing is true and correct except those matters which are stated upon my information and belief and as to those matters, I believe them to be true.

Dated this 17 day of March, 19 76.

Leroy Eldridge Cleaver
Signature of Petitioner

#3 FILED

MAR 29 1976

CLARENCE E. CABELL, County Clerk

BY DON J. BROWN, DEPUTY

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10-15-2008 BY 60322/JCLR/PJ/EHL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

CR 162601

In Re The Matter of
CLEAVER, LEROY ELDRIDGE

For Destruction of Records.

ORDER PURSUANT TO
SECTION 11361.5(b)
HEALTH & SAFETY CODE

To the courts and/or agencies listed in the attached petition:

IT IS HEREBY ORDERED that within the 15 day period commencing 45 days after the date of this order you comply with the provisions of Sections 11361.5(b) and (c) Health & Safety Code as requested in the petition.

At the time of compliance you are to complete the Certificate of Compliance section of this order. Within three days thereafter you are to mail this order and petition in the attached stamped, self-addressed envelope.

This order is not valid unless accompanied by a check or money order payable to you in the sum of \$ 50.00 - 5.00 each. These funds are to be used to offset the costs incurred by you in complying with this and similar orders.

Any motion to stay, modify the terms of, or quash this order must be made within 30 days from the date of the order. Such motions must be written and based on good cause shown by accompanying affidavit, with copies mailed to the petitioner or his attorney as shown on the petition.

DATED: March 29, 19 76



CLARENCE E. GOERTZEN

(Certificate of Compliance attached.)

760734A

100-442251-1357

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UCIRP/PJ/EHL

THE DOCUMENT TO WHICH THIS CERTIFICATE IS AT-
TACHED IS A FULL, TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE AND OF RECORD IN MY OFFICE.

ATTEST MAR 29 1976 19.....

CLARENCE E. CABELL, County Clerk and Clerk of the
Superior Court of California,
County of Los Angeles.

BY *[Signature]* DEPUTY



REC'D IDENT. DIV.
FBI
APR 2 7 57 AM '76

FBI

Date: 5/12/76

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Precedence)

TO: DIRECTOR, FBI

FROM: SAC, WFO (62-0)

ATTENTION: OFFICE OF LEGAL
COUNSEL, FOIA
LITIGATION UNIT

ELDRIDGE CLEAVER, Et. Al.

vs.

CLARENCE M. KELLEY,
INDIVIDUALLY AND AS
DIRECTOR OF THE FBI
U.S.D.C. D.C.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/JCLRP/PJ/EHL

CIVIL ACTION NUMBER 76-0795

Enclosed for the Bureau are two summons and
complaints regarding captioned matter delivered by the
U.S. Marshal's Service to WFO on 5/11/76.

WFO indices reflect following files for ELDRIDGE
CLEAVER 9-2256, 88-7106, 157-2026, and 176-64 and for
[redacted] 157-1584.

Complainant is seeking declaratory and injunctive
relief under the Freedom of Information Act concerning
contents of files held by the FBI regarding plaintiffs.

b6
b7C

②-Bureau (Enc. 2)
1-WFO

JFL:jmm
(3)

EX-112

REC-71

100-447251-1358

23 MAY 13 1976

ENC. BEHIND FILE

WFO 14 15 51 14 38

REC-71

Approved: _____

Special Agent in Charge

Sent _____

M

Per _____

UNITED STATES GOVERNMENT

Memorandum

TO :

DATE: 5/19/76

FROM : Legal Counsel *JAAC*
1270

SUBJECT: ELDRIDGE CLEAVER, et al. v.
CLARENCE M. KELLEY, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-0795

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____

Rec. Mgnt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

PURPOSE:

This is to recommend that attached affidavit be approved.

SYNOPSIS:

Plaintiffs filed suit on 5/7/76 seeking Declaratory and Injunctive Relief under the FOIA to compel the FBI to disclose to plaintiffs the contents of our files relating to plaintiffs and their "political activities." Plaintiffs also filed motions for Expedited Consideration and sought a Temporary Restraining Order and Preliminary Injunction against us alleging our failure to process the FOIA request is unlawful and that data requested would materially assist plaintiff Eldridge Cleaver in his defense on California state charges scheduled for trial to begin on 6/14/76. Attached affidavit prepared and executed at request of Department of Justice, Civil Division, to support Government's position in this litigation.

RECOMMENDATION:

That upon approval, the original and appropriate number of copies of attached affidavit be personally delivered by a representative of Legal Counsel Division to the Department of Justice, Civil Division, for use in action before the court.

Enclosure

1 - Mr. Mintz

(Attn:)

WWH:rne/lad

(5) 1976

1 - Mr. Decker

(Attn:)

1 - IPAL Unit

CONTINUED - OVER

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Legal Counsel to Mr. Adams
RE: ELDRIDGE CLEAVER, et al. v.
CLARENCE M. KELLEY, et al.
(U.S.D.C., D. C.)
CIVIL ACTION NO. 76-0795

DETAILS:

Plaintiffs have been subjects of several FBI investigations in the past including security-racial and criminal matters. Plaintiffs filed with us an FOIA request on 2/27/76 for information from our files pertaining to them. They requested the matter be expedited as the information was desired in connection with Eldridge Cleaver's defense in his forthcoming trial in California on state charges beginning on 6/14/76. We informed plaintiffs due to heavy volume of FOI-PA requests there would be a delay in processing the request. We were backlogged and requests were being processed in chronological order based on date received. We stated we were unable to furnish a date when the request would be processed. Plaintiffs filed suit in the U.S.D.C., D. C., 5/7/76, seeking Declaratory and Injunctive Relief to compel us to disclose contents of our files relating to them and their "political activities." Plaintiffs also filed motions for Expedited Consideration and sought a Temporary Restraining Order and Preliminary Injunction against us alleging our failure to process the FOIA request is unlawful and data requested would materially assist plaintiff Eldridge Cleaver in his defense on state charges in California scheduled for trial on 6/14/76. Attached affidavit prepared and executed at request of Department of Justice, Civil Division, to support Government's position in this litigation. Preparation of affidavit of Special Agent Eric C. Williams coordinated between Special Agents [redacted] FOI-PA Section, Records Management Division; Special Agent [redacted] [redacted], Legal Counsel Division, and Departmental Attorney Barbara L. Ward.

b6
b7C

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELDRIDGE CLEAVER, et al.,

Plaintiffs

v.

Civil Action No.
76-0795

CLARENCE M. KELLEY, et al.

Defendants

AFFIDAVIT

I, Eric C. Williams, being duly sworn, depose and say as follows:

(1) I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned in a supervisory capacity to the Freedom of Information - Privacy Acts (FOIPA) Section of the Records Management Division, FBI, Washington, D. C.

(2) Due to the nature of my official duties, I am familiar with the procedures we follow in processing requests for information in our files received pursuant to Title 5, United States Code, Section 552, commonly known as the Freedom of Information Act (FOIA), and Title 5, United States Code, Section 552 (a), commonly known as the Privacy Act of 1974. I am personally familiar with the procedures used in responding to plaintiffs' FOIPA request.

(3) The following represents the pertinent correspondence pertaining to plaintiffs' FOIPA request:

(a) On February 27, 1976, plaintiffs' attorney, in a letter to the Deputy Attorney General, Department of Justice, Washington, D. C., requested information pertaining to plaintiffs pursuant to the FOIA. Plaintiffs requested that the following records be made available: "1. Any and all records, materials, files, memoranda, and papers which refer, directly or indirectly in any manner, to the person or activities of Eldridge Cleaver. 2. Any and all records, materials, files, memoranda, and papers which refer, directly

or indirectly in any manner, to the person or activities of Kathleen Cleaver." The request stated the information requested is pertinent to Mr. Cleaver's imminent trial in state court in California. (See Exhibit A attached hereto and incorporated herein by reference.)

(b) By letter dated March 2, 1976, plaintiffs' attorney provided copies of authorizations signed by Eldridge Cleaver and Kathleen Cleaver to release information pertaining to them to their attorney pursuant to the FOIA request made to the Deputy Attorney General, Department of Justice, Washington, D. C., on February 27, 1976. (See Exhibit B attached hereto and incorporated herein by reference.)

(c) By letter dated March 3, 1976, to plaintiffs' attorney, Susan M. Hauser, Staff Assistant to the Deputy Attorney General, acknowledged receipt of plaintiffs' FOIPA request dated February 27, 1976. Plaintiffs were informed the FOIPA request had been referred to the FBI and the Criminal Division, Department of Justice, for separate determinations and responses. (See Exhibit C attached hereto and incorporated herein by reference.)

(d) By letter dated March 19, 1976, to plaintiffs' attorney the Director of the FBI, Clarence M. Kelley, acknowledged the receipt of plaintiffs' FOIPA request received by the FBI on March 4, 1976. Director Kelley advised plaintiffs that an exceedingly heavy volume of FOIPA requests had been received during the past few months. In addition, court deadlines involving certain historical cases of considerable scope had been imposed upon the FBI. Further, despite successive expansions of the FBI staff responsible for FOIPA matters, substantial delays in processing requests continue. He reported since January 1, 1975, the FBI has received a total of 16,376 FOIPA requests. Of these, the present backlog is 6,532. In an effort to deal fairly with any request requiring the retrieval, processing, and duplication of documents, each request is being handled in chronological order based on the date of receipt. The plaintiffs were

assured that their requests were being handled as equitably as possible and that all documents which could be released would be made available at the earliest possible date. (See Exhibit D attached hereto and incorporated herein by reference.)

(e) By letter dated March 29, 1976, to Director Clarence M. Kelley, plaintiffs' attorney advised regarding the FOIA request of plaintiffs that they were aware that we have a substantial backlog of FOIA requests. The letter continued that while they were aware of the backlog, Mr. Cleaver is facing an imminent trial presently scheduled for June 14, 1976, in state court in California, and "your agency has in its possession substantial information and materials which we believe are directly related to the events surrounding the charges." Plaintiffs stated they would appreciate expedited handling of the Cleavers' requests so that materials would be available in adequate time for preparation of the trial. The letter concluded that if the requests could be expedited it would necessarily avoid potential litigation at a later time. (See Exhibit E attached hereto and incorporated herein by reference.)

(f) By letter to plaintiffs' attorney dated April 15, 1976, we acknowledged the receipt of plaintiffs' letter dated March 29, 1976. We informed plaintiffs' that, as stated in our letter of March 19, 1976, we had a backlog of FOIPA requests on hand. In an effort to deal fairly with any request requiring the retrieval, processing, and duplication of documents, each request is being handled in chronological order based on the date of receipt. We further informed plaintiffs that at this time it is not possible to give a date as to when the requests will be processed, and in view of this, no further correspondence will be necessary until the processing of the request is completed. (See Exhibit F attached hereto and incorporated herein by reference.)

(4) A preliminary check of our records disclosed information pertaining to the plaintiffs. However, there has been no refusal to process plaintiffs' FOIA request, only delay due to the large amount of FOIPA requests received prior to plaintiffs', which are being processed as equitably as possible in chronological order based on the date received.

(5) On Friday, May 7, 1976, plaintiffs filed a complaint in the United States District Court for the District of Columbia alleging that the refusal of the FBI and Clarence M. Kelley, Director, FBI, to process plaintiffs' information request was not founded on Title 5, United States Code, Section 552, et seq., and applied for a temporary restraining order (which the court has denied) pending hearing on plaintiffs' motion for a preliminary injunction.

(6) Before considering the present status of processing plaintiffs' request it may be helpful for us to give the court the following information on how FOIPA requests are generally processed by the FBI:

Upon receipt of a request in which, as here, the subject is reasonably identifiable, the search for relevant materials begins with the FBI's Central Records System. The indices to this system contain approximately 58 million index cards arranged in alphabetical order by subject and names of individuals. After all the seemingly relevant files have been located and scanned preliminarily, the task of processing the records for disclosure as appropriate under the FOIPA begins. This task commences with the photographic reproduction of entire file sections to provide working copies which may be marked for deletions or exemptions as necessary. From an initial working copy two additional copies are made, one for the requester and one for the FBI's own administrative control.

The next step is a line-by-line reading of the files with constant attention to potentially exempt matters which may involve, among other things, confidential sources, privacy

of individuals, classified data, ^{1/} and inter-agency or intra-agency memoranda. Thereafter, a determination will be made as to the release of any disclosable portion of the document. This review is carried out under the supervision of law-trained Special Agent attorneys. However, the material is then subject to review at several successively higher executive levels culminating in the rendering of a decision over the Director's signature. The objective of the successive reviews is to assure that no material to which the requester is entitled will be erroneously withheld and, conversely, that no material which should be withheld is inadvertently released. As a refinement of the above-described process, project requests are separated from "little" requests and are handled under a system in which all requests are either "project requests" or "non-project requests". Project requests involve records which by their volume are expected to require considerable review time. Many such requests now being handled by the "Project Unit" of the FBI's Freedom of Information Section involve records sought by persons who are either conducting extensive research projects or planning to publish books. All necessitate the handling of thousands of pages of documentary materials.

(7) The requests of plaintiffs have been classified as "project requests." The "Project Unit" to which we have referred to above, consists of five teams, each headed by a Supervisory Special Agent. Each team includes five Research Analysts and at least two Research Clerks. There are currently 280 project cases assigned to the Unit. Of these, 196 are currently in various stages of processing. Twenty-six are in the administrative appeal stage, and fifteen are in litigation.

^{1/} Classified data is further reviewed by Special Agents with expertise in the substantive area to which the document relates to determine whether it has been properly classified.

As stated above, the plaintiffs' request is being handled as a "project" case. Of the 280 total project cases, 86 of these are backlogged and not assigned to an Analyst for Processing. Fifty-three of these 86 backlogged requests precede the requests of plaintiffs. The FBI now has 177 employees at FBI Headquarters assigned solely to the processing of FOIA requests. At the time plaintiffs' request was received the FBI had a total backlog of 6,532 requests (see letter of Director Kelley). While not all of these requests will necessarily be processed prior to plaintiffs' because of the two-track (i.e., project and non-project) system, the number of persons which can be assigned to the Project Unit is affected by the backlog of non-project requests. An effort is made to balance personnel assigned to the project and non-project units so that the handling of both types of requests will move at approximately the same pace.

(8) A preliminary check of our files disclosed that there are numerous files which have to be reviewed in connection with plaintiffs' request. At least 29 main file volumes exist on Eldridge Cleaver alone and he is possibly a principal in five other main files; the number of actual volumes involved has not been ascertained. There are at least three main files pertaining to plaintiff Kathleen Cleaver and the exact number of volumes involved has not been determined. The request is being handled as noted above as a "project" request. The team to which it has been assigned, headed by Special Agent Eric C. Williams, is in various stages of processing 29 other project requests, all of which were received prior to the plaintiffs' request. It is not possible to estimate when the processing of plaintiffs' request will be completed in view of the heavy backlog of FOIPA requests received prior to plaintiffs.

(9) In further explanation of the FBI's response to plaintiffs' FOIA request, the court's attention is respectfully directed to the following facts detailing the impact of the FOIA, and in particular the 1974 amendments thereto, have had on the FBI.

(10) In 1973, we received an average of approximately one FOIA request per day, which we were able to process without undue burden. In 1974, we averaged over 37 requests per month.

The amendments went into effect in February of 1975, the Privacy Act went into effect in September of 1975, and in that year we received 13,875 requests pursuant to these two acts, an increase of more than three thousand percent over the previous year. During January, 1976, 894 requests were received and during February, 1976, 1,394 requests were received.

(11) We have recognized and taken substantial action in terms of allocation of manpower and other measures to meet the tremendous administrative burdens imposed upon us as a result of the numerous requests for information from our files received under the FOIA and Privacy Act. A special Unit, solely designated to handle FOIA requests, became operational in October of 1973, at which time it consisted of eight employees, including three law-trained Special Agents. This complement was doubled during 1974 to keep pace with the increased volume of requests. During 1975 further periodic increases in the personnel complement assigned solely to the processing of FOIA and/or Privacy Act requests were made, by reassigning personnel from other substantive duties, resulting in serious backlogs in some areas of operation. By the end of 1975, 161 employees at FBI Headquarters were engaged solely in the processing of such requests, including 23 law-trained Special Agents. The time and expense in training these employees has been tremendous. This did not include personnel from other Divisions at FBI Headquarters who are required to devote a substantial portion of their time, to the detriment of their other duties, to assist in the processing of these requests. The expense incurred by the FBI in terms of both money and manpower has been enormous, and I believe the overall investigative responsibilities imposed by statute may suffer as a result.

(12) Despite what we feel to be more than diligent efforts to comply with all requests, including plaintiffs', on an equitable basis, there have been unavoidable delays

arising from the sheer volume of requests received and as a result of court orders requiring reassignment of substantial numbers of our personnel to process certain cases on a deadline basis.

(a) In Meeropol, et al. v. Levi, et al.

(United States District Court for the District of Columbia, Civil Action No. 75-1121), the court issued an order on August 27, 1975, which required us to review, index and inventory, by October 21, 1975, some 363 volumes (each of which averages 150-200 pages) of files, and by the same date locate, review, index and inventory over 9,000 references, all of which represent material in our possession considered relevant to the Rosenberg espionage case. Additionally, all of the above material which is not exempt pursuant to the FOIA had to be made available to plaintiffs in this case by November 17, 1975, accompanied by a detailed justification for those portions of the above-described material which were withheld pursuant to the FOIA. This single court order forced us to assign approximately one-half of all our FOIA personnel to the processing of the subject matter of one FOIA request, while the remainder of the complement attempted to process the thousands upon thousands of other FOIA requests received.

(b) In Weinstein v. Levi, et al. (United States District Court for the District of Columbia, Civil Action No. 2278-72), the court issued an order on October 20, 1975, which required us to furnish plaintiff an itemized inventory by December 1, 1975, of all documents he had requested under the FOIA (essentially, all pertinent material in our possession concerning the Rosenberg case, supra, plus an additional 152 volumes of files pertaining to the Alger Hiss perjury case) not previously furnished him, setting forth detailed refusal justification with respect to any documents which we withheld pursuant to the FOIA. Additionally, the order required us to make available to plaintiff, by December 15, 1975, all of the

above-described material which is not exempt from release pursuant to the FOIA. An additional 32 volumes of files also had to be reviewed in order to locate information plaintiff had requested. Although the court issued an order on November 25, 1975, extending the above-described deadlines until January 31, 1976, as well as limiting the inventory requirement to only that material not being furnished plaintiff, this order still required us to assign a substantial portion of our FOIA personnel to the processing of the subject matter of one request to the detriment of all others.

(c) In Fellner v. U. S. Department of Justice (United States District for the Western District of Wisconsin, Civil Action No. 75-C-430), the court issued an order on December 17, 1975, requiring us to review an additional 4,000 pages per month of the voluminous material subject to plaintiff's request. Because of this order we are once again required to devote a substantial portion of our FOIPA personnel to the processing of one request, to the detriment of all others, including plaintiffs'.

(13) The FBI has been making every reasonable, and sometimes extraordinary, effort to comply with the unexpected demands of the amended FOIA. In consideration of the present and continuing increase in the workload of the FBI in fulfillment of its Congressionally-mandated investigative duties concerning violations of statutes of the United States, and taking into account present budgetary and personnel limitations, it has been and continues to be an overwhelming burden for the FBI to respond to FOIA requests with any greater speed. Of the 13,875 requests received in 1975, we were able to respond fully to 7,699, and as of the end of that year, were processing an additional 1,004. This left a backlog of 5,172 requests which still required processing, preferably on the basis of date received to ensure fairness to all requesters.

(14) In House Report No. 93-876, "Amending Section 552 of Title 5, United States Code, known as the Freedom of Information Act," and dated March 5, 1974, (to accompany H.R. 12471), the Committee on Government Operations estimated the total cost of the FOIA amendments for all agencies to be \$50,000 in the Fiscal year 1974 and \$100,000 for each of the succeeding five Fiscal years.

Page 193 of the Source Book, Legislative History, Texts and Other Documents published March, 1975, by the 94th Congress, First Session, on the "FOIA and Amendments of 1974 (P.L. 93-502)," notes some additional administrative costs may ensue to the Federal Government from the implementation of the Act. ~~It was suggested that for the most part the~~ additional costs could be absorbed by the agencies' present operating budgets.

Our actual cost for implementation of the FOIA in Fiscal year 1974 was \$160,000. In Fiscal year 1975 it jumped to \$462,000 and for Fiscal year 1976 we have estimated the cost to be \$2,675,000. For Fiscal year 1977, we have estimated the cost for the FOIA to be the same, \$2,675,000, plus an additional \$752,000 for the Privacy Act of 1974. It is to be noted that, while the above figures pertain to our implementation of the full FOIA, the great majority of the cost is for implementation of the 1974 amendments to the act. The cost computation includes the salaries of those employees diverted from other official duties.

Eric C. Williams
ERIC C. WILLIAMS
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and Sworn to before me this 19th day
of May, 1976.

Margaret F. Davis
Notary Public

My commission expires 12/14/78.

THOMAS H. TRUITT
CHARLES FABRIKANT
DONALD T. BUCKLE
TERRY F. LENZNER
DAVID H. BLUM
ROBERT D. CORNELL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UCIRP/PJ/EHL

810 SEVENTEENTH STREET, N.W.
WASHINGTON, D. C. 20006
(202) 672-0155
OF COUNSEL
STEVEN K. YABLONSKI

February 27, 1976

Deputy Attorney General
Department of Justice
Washington, D. C. 20530

Re: Freedom Of Information Act Request

Dear Sir:

This firm has been retained with George V. Higgins, Esquire of Boston, Massachusetts to represent Eldridge and Kathleen Cleaver. It is our information that your Agency has in its possession substantial amounts of information related to the above clients.

This is to request that the following records be made available to us pursuant to the Freedom of Information Act, 5 U.S.C. §552.

1. Any and all records, materials, files, memoranda and papers which refer, directly or indirectly in any manner, to the person or activities of Eldridge Cleaver.
2. Any and all records, materials, files, memoranda and papers which refer, directly or indirectly in any manner, to the person or activities of Kathleen Cleaver.

The information requested is pertinent to Mr. Cleaver's imminent trial in state court in California. While we are aware that your Agency has received a significant number of FOIA requests, we would appreciate expedited processing of this request. Written authorization for release of these records signed by Kathleen and Eldridge Cleaver will be furnished shortly. We are willing to pay necessary fees up to \$200.00.

Kindly confirm receipt of this request by returning the enclosed copy of this letter, marked with your dated stamp, in the enclosed, postpaid envelope.

Thank you for your courtesy.

Sincerely yours,

Terry F. Lenzner
Terry F. Lenzner

TRUITT, FABRIKANT, BUCKLIN & LENZNER

ATTORNEYS AT LAW

THOMAS H. TRUITT
CHARLES FABRIKANT
DONALD V. BUCKLIN
TERRY F. LENZNER
DAVID H. DEER
ROBERT G. CORNELL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

510 SEVENTEENTH STREET, N.W.
WASHINGTON, D. C. 20006
(202) 672-6155
OF COUNSEL
STEVEN K. YABLONSKI

March 2, 1976

Deputy Attorney General
Department of Justice
Washington, D. C. 20530

Re: Freedom Of Information Act Request

Dear Sir:

Enclosed are copies of authorizations signed by Kathleen and Eldridge Cleaver to release information pursuant to the Freedom of Information Act Request mailed to your office on February 27, 1976.

Very truly yours,

Terry F. Lenzner/jen

Terry F. Lenzner

TFL:jea

Enclosures

EXHIBIT B

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2009 BY 60322/UCLRP/PJ/EHL

I, Eldridge Cleaver, do hereby authorize George V. Higgins, Esq. of the George V. Higgins Law Offices, 100 Federal Street, Boston, Massachusetts 02110 and Terry F. Lenzner, Esq. of Truitt, Fabricant, Bucklin, and Lenzner, 910 17th Street N.W., Washington D.C. 20006, to receive all materials from all government agencies to which I am entitled under the Freedom of Information Act and the Privacy Act.

Eldridge Cleaver
Eldridge Cleaver

Date: 2/26/76

I, Kathleen Cleaver, do hereby authorize George V. Higgins, Esq. of the George V. Higgins Law Offices, 100 Federal Street, Boston, Massachusetts 02110 and Terry F. Lenzner, Esq. of Truitt, Fabricant, Bucklin, and Lenzner, 910 17th Street N.W., Washington D.C. 20006, to receive all materials from all government agencies to which I am entitled under the Freedom of Information Act and the Privacy Act.



Kathleen Cleaver

Date: Feb 26, 1976

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL



OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

March 3, 1976

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UCIRP/PJ/EHL

Mr. Terry F. Lenzner
910 Seventeenth Street, N.W.
Washington, D.C. 20006

Dear Mr. Lenzner:

Your letter of February 27, 1976, in behalf of your clients, Eldridge and Kathleen Cleaver, has been received by the Office of the Deputy Attorney General and referred to the FBI and the Criminal Division. You may expect separate determinations and responses from each of these offices.

Sincerely,

Susan M. Hauser
Staff Assistant to the
Deputy Attorney General



EXHIBIT C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2009 BY 60322/UCLRP/PJ/EHL19, 1976

Terry F. Lenzner, Esq.
Trittt, Fabrikant, Bucklin and Lenzner
510 17th Street, N. W.
Washington, D. C. 20006

Dear Mr. Lenzner:

This is to acknowledge receipt by the FBI on March 4, 1976, of your Freedom of Information-Privacy Acts (FOIPA) request concerning your clients, Eldridge and Kathleen Cleaver.

An exceedingly heavy volume of FOIPA requests has been received these past few months. Additionally, court deadlines involving certain historical cases of considerable scope have been imposed upon the FBI. Despite successive expansions of our staff responsible for FOIPA matters, substantial delays in processing requests continue.

Since January 1, 1975, the FBI has received a total of 16,376 FOIPA requests. Of these, our present backlog is 6,532. In an effort to deal fairly with any request requiring the retrieval, processing and duplication of documents, each request is being handled in chronological order based on the date of receipt. Please be assured that your request is being handled as equitably as possible and that all documents which can be released will be made available at the earliest possible date.

Your patience and cooperation will be appreciated.

Sincerely yours,

C. M. Kelley
Clarence M. Kelley
Director

EXHIBIT D

TRUITT, FABRIKANT, BUCKLIN & LENZNER

ATTORNEYS AT LAW

310 SEVENTEENTH STREET, N.W.

WASHINGTON, D. C. 20006

(202) 672-6155

OF COUNSEL
STEVEN K. YABLONSKI

THOMAS H. TRUITT
CHARLES FABRIKANT
DONALD T. BUCKLIN
TERRY F. LENZNER
DAVID M. BERT
ROBERT D. CORNELL

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-15-2008 BY 60322/JCLRP/PJ/EHL

March 29, 1976

Mr. Clarence M. Kelley
Director
Federal Bureau of Investigation
Department of Justice
Washington, D. C. 20535

Re: Freedom Of Information Act Request

Dear Mr. Kelley:

This is to acknowledge receipt of your letter of March 19, 1976, concerning the Freedom of Information Act request of our clients, Kathleen and Eldridge Cleaver.

While we are aware that your agency has a substantial backlog, Mr. Cleaver is facing an imminent trial presently scheduled for June 14, 1976, in state court in California. Your agency has in its possession substantial information and materials which we believe are directly related to the events surrounding the charges. We would appreciate expedited handling of the Cleavers' requests so that the materials will be available in adequate time for preparation for trial. If this request can be expedited, it would necessarily avoid potential litigation at a later time.

Your assistance is appreciated.

Sincerely yours,

Terry F. Lenzner
Terry F. Lenzner

TFL:jea

EXHIBIT E

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

April 15, 1976

Terry F. Lenzner, Esq.
Truitt, Fabrikant, Pucklin & Lenzner
910 Seventeenth Street, N. W.
Washington, D. C. 20006

Dear Mr. Lenzner:

This is to acknowledge receipt by this Bureau on March 30, 1976, of your letter dated March 29, 1976, regarding the Freedom of Information-Privacy Acts (FOIPA) request of your clients, Kathleen and Eldridge Cleaver.

As we stated in our letter of March 19, 1976, we have a backlog of cases on hand. In an effort to deal fairly with any request requiring the retrieval, processing and duplication of documents, each request is being handled in chronological order based on the date of receipt. At this time it is not possible to give a date as to when your request will be processed. In view of this, no further correspondence will be necessary until the processing of your request is completed. Please be assured that your request will be handled in compliance with provisions of the FOIPA.

Your patience and cooperation will be appreciated.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

EXHIBIT F

UNITED STATES GOVERNMENT

Memorandum

TO : *8/8* DIRECTOR, FBI (100-447251)

FROM : ADIC, NEW YORK (100-161321) (RUC)

SUBJECT: *mg* LEROY ELDRIDGE CLEAVER aka
EM - BPP
(OO: SF)

DATE: MAY 18 1976

ReNYrep of SA [redacted] dated
11/21/75 and NYlet to San Francisco, dated 2/24/76
(no copy to the Bureau).

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Inasmuch as there is no investigation to be
conducted by the New York Office, and since CLEAVER has
made clear his disassociation with the Black Panther
Party - Cleaver Faction (BPP-CF), this matter is RUC
herewith.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-17-80 BY SP3 AB/pte

- EX-111
- ③ - Bureau (RM)
(1 - 157-22627) (BPP-CF)
1 - San Diego (88-5033) (INFO) (RM)
1 - San Francisco (88-12329) (RM)
4 - New York
(1 - 157-3201) (COMMITTEE TO DEFEND ELDRIDGE CLEAVER)
(1 - 157-6852) (BPP-CF)
(1 - 157-161993) (BPP-CF)

GHS:tfb
(9)

1-4077-T

21 MAY 20 1976



5010-110

56 JUN 02 1976

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FIVE

157-22627

RECEIVED COPIES

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10-15-2008 BY 60322/UCLRP/PJ/EH

TO :

[Redacted]

DATE: 5/25/76

FROM :

Legal Counsel

SUBJECT:

ELDRIDGE CLEAVER, et al. v.
CLARENCE M. KELLEY, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-0795

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgnt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

PURPOSE:

This is to advise of developments in captioned litigation wherein plaintiffs are seeking Bureau records, principally for use in impending criminal trial in California, and to advise of scheduled appearance in United States District Court 5/26/76 of Bureau officials at request of judge.

SYNOPSIS:

Plaintiffs made FOIA request which was received in early March, 1976, requesting all their FBI records and stressing need for information in our files pertinent to imminent trial of Eldridge Cleaver in state court in California. On 5/7/76 plaintiffs brought civil action under FOIA and filed several motions seeking immediate release of documents, or in the alternative, expedited processing. Judge June Green denied motion calling for immediate release and took under advisement motion calling for expedited processing. We filed affidavit 5/19/76 setting forth our handling of plaintiffs' request and Bureau policy of handling all FOIA requests based on date of receipt in order to treat all requesters fairly. On 5/20/76 Judge Green, during court status call, requested attorneys for both sides to work with FBI in attempt to

2 - Mr. Decker

(1 - [Redacted])

1 - [Redacted]

Attn: [Redacted]

1 - Mr. McDermott

1 - Mr. Mintz

1 - [Redacted]

APPROVED: _____

Assoc. Dir. _____

Dep. AD Adm. _____

Dep. AD Inv. _____

Asst. Dir.: _____

Adm. Serv. _____

Ext. Affairs _____

Fin. & Pers. _____

Gen. Inv. _____

Ident. _____

Inspection _____

Intell. _____

Laboratory _____

Legal Coun. _____

Plan. & Eval. _____

Rec. Mgnt. _____

Spec. Inv. _____

Training _____

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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

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157-7777-1361
RECORDED COPY FILED IN

100-447251-1361
CONTINUED - OVER



Memorandum to [redacted]
Re: Eldridge Cleaver, et al. v.
Clarence M. Kelley, et al.
(U.S.D.C., D.C.)
Civil Action No. 76-0795

narrow plaintiffs' request for information needed in California criminal action. During a.m. court status call on 5/24/76, Departmental Attorneys advised court efforts to narrow request negative. Judge Green expressed an inclination to deny motion for expedited processing but took no action concerning same. Judge Green expressed concern at administrative burden placed on both judiciary and executive by FOIA and requested appearance of FBI officials responsible for processing requests at 9:30 a.m. on 5/26/76 to discuss our experience in administering the FOIA. She stated the problem is serious and requires attention since additional court orders requiring expedited processing of FOIA requests are self-defeating. Assistant Directors Decker and McDermott, Section Chief Powers, and Special Agent [redacted] will appear.

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RECOMMENDATION:

None. For information.

APPROVED: [signature] Ext. Affairs..... Laboratory.....
Assoc. Dir. [signature] Fin. & Pers..... Legal Coun. [signature]
Dep. AD [signature] Gen. Inv..... Plan. & Eval. [signature]
Dep. AD [signature] Ident..... Rec. Mgmt.....
Asst. Dir.: [signature] Inspection..... Spec. Inv.....
Adm. Serv. [signature] Intell..... Training.....

Memorandum to [REDACTED]
Re: Eldridge Cleaver, et al. v.
Clarence M. Kelley, et al.
(U.S.D.C., D.C.)
Civil Action No. 76-0795

DETAILS:

Plaintiffs Eldridge and Kathleen Cleaver made an FOIA request through their attorney on 2/27/76 and received by us 3/4/76. They requested all records in our possession and made specific reference to the fact certain FBI records (unspecified) were pertinent to the impending criminal trial of Eldridge Cleaver in California scheduled for 6/14/76. We advised plaintiffs of our policy of handling FOIA requests chronologically based on date of receipt in order to treat all requesters fairly. On 5/7/76, Departmental Attorney Bruce E. Titus, Information and Privacy Section, Civil Division, advised plaintiffs' attorney had filed a civil action under the FOIA in United States District Court for the District of Columbia, on that date along with motions requiring immediate release of FBI documents, or in the alternative, requiring expedited processing of our records. Judge June Green denied the motion calling for immediate release and took under advisement the motion calling for expedited processing. On 5/19/76, the Department filed a motion requesting a stay of proceedings and supported this motion with an affidavit executed by Special Agent Eric Williams, FOIPA Section, Records Management Division, which set forth our handling of the FOIA request in question and Bureau policy concerning the handling of requests in chronological order to treat all requesters fairly.

On 5/20/76, Mr. Titus advised Special Agent [REDACTED] that during court status call that morning Judge Green did not rule on motions made by plaintiffs or the stay of proceedings motion filed the day before. Judge Green stated if plaintiffs could show the need for the information desired and could narrow the request sufficiently to allow easy retrieval, instant litigation would be unnecessary. To this end, she instructed Departmental Attorneys to attempt to assist plaintiffs in narrowing the request by discussions with FBI personnel.

Memorandum to [redacted]
Re: Eldridge Cleaver, et al. v.
Clarence M. Kelley, et al.
(U.S.D.C., D.C.)
Civil Action No. 76-0795

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On the afternoon of 5/20/76 Special Agents [redacted] and [redacted] of Records Management Division, [redacted] of Intelligence Division, and [redacted] and [redacted] of Legal Counsel Division, met with Unit Chief [redacted] and his assistant [redacted] of FOIA Appeals Unit of the Office of the Deputy Attorney General, Civil Division Attorneys Titus and Barbara Ward, and plaintiffs' attorney Robert B. Cornell, and [redacted] [redacted] (subsequently identified as former [redacted] on the Senate Select Committee on Intelligence Staff). After considerable discussion, it appeared plaintiffs' attorney had no specific incident he was willing to disclose that would be reported in Bureau records which would be of use in the defense of Eldridge Cleaver in the trial scheduled for 6/14/76 in state court in California. It did appear he was attempting to locate information in FBI records indicating FBI involvement with the Oakland, California, Police Department before a "shoot-out" occurring 4/16/68 which is the incident for which plaintiff Eldridge Cleaver is to stand trial.

On 5/21/76 Departmental Attorneys Titus and Ward were allowed to review Bureau records existing on Eldridge Cleaver and the Black Panther Party (San Francisco) for the period 1967 through 1968. In addition, Special Agent [redacted] telephonically contacted SAC Charles W. Bates, San Francisco Division, and asked him whether he was aware of the existence of any documents indicating involvement of the FBI in the above incident. SAC Bates replied in the negative.

On 5/24/76 Mr. Titus advised of results of court status call that morning wherein Ms. Ward and he advised Judge Green of their efforts to narrow plaintiff's FOIA request. Judge Green expressed the opinion they had made more than a good faith effort in this regard, expressed an inclination to deny plaintiffs' motion for expedited processing but took no action concerning same. Titus advised he had, while outlining their efforts, made reference to the fact of the use by plaintiffs' attorney of [redacted] (apparently in a consultant capacity), who had done research on COINTELPRO documents. Judge Green made no comment,

Memorandum to [redacted]
Re: Eldridge Cleaver, et al. v.
Clarence M. Kelley, et al.
(U.S.D.C., D.C.)
Civil Action No. 76-0795

b6
b7C

however, plaintiffs' attorney was visibly embarrassed. At this point Judge Green expressed concern at the extreme administrative burdens currently being placed on both the judiciary and the executive by the FOIA. She stated the problem is serious and requires attention since additional court orders requiring expedited processing of FOIA requests would be self-defeating. It would increase the volume of litigation if it was felt this was the only way to obtain faster processing of FOIA requests. She made reference to her orders in the Meeropol, et al. v. Levi, et al. litigation and noted this apparently was not the answer. Judge Green requested Mr. Titus to identify FBI officials responsible for processing FOIA requests and to request their presence in her court at 9:30 a.m. on 5/26/76 to discuss the FBI's experience in administering the FOIA. She added if FBI officials did not wish to appear voluntarily, she would issue an order requiring same.

At the request of Section Chief, Jeffrey Axelrad, Information and Privacy Section, Civil Division, Special Agent [redacted] contacted Assistant Directors Decker and McDermott and set up a conference with these individuals and Department of Justice personnel as well as Section Chief James Powers and Special Agent [redacted] of FOIPA Section, Records Management Division. During this conference it was decided Assistant Directors Decker, current head of Records Management Division, and McDermott, who is familiar with our efforts to respond to the burdens presented by the FOIA, Mr. Powers and [redacted] would appear in Judge Green's court in response to her request. Collectively, these individuals can answer any question Judge Green may propound after they delineate our experience in administering the FOIA.

Assistant Attorney General
Civil Division
Attn: Bruce Titus

June 1, 1976

Director, FBI

REC-85

100-447251-1362

1 - Mr. Decker

Attn: [redacted]

Attn: [redacted]

ELDRIDGE CLEAVER, et al.
v. CLARENCE M. KELLEY, et al.
(U.S.D.C., D. C.)

1 - Mr. Mintz

1 - IPAL Unit [redacted]

CIVIL ACTION NO. 76-0795

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Reference is made to memorandum of Jeffrey Axelrad, Chief, Information and Privacy Section, Civil Division, dated May 12, 1976, with reference JA:BETitus:jld [redacted], forwarding us a copy of the summons and complaint received by the Department concerning captioned matter.

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Plaintiffs bring this action seeking Declaratory and Injunctive Relief pursuant to the Freedom of Information Act (FOIA) to compel the FBI or its Director or the Attorney General of the United States to disclose to plaintiffs the contents of our files relating to plaintiffs and their "political activities." The complaint noted the court may award declaratory relief pursuant to 28 United States Code, Section 2201. The correspondence documenting plaintiffs' FOIA request is found as Exhibits 1 through 7 to the complaint. The complaint was filed on May 7, 1976.

Plaintiffs also filed motions for Expedited Consideration in light of the criminal trial of Eldridge Cleaver in California scheduled to commence June 14, 1976. Plaintiffs also sought a Temporary Restraining Order and motion for Preliminary Injunction alleging our failure to process the FOIA request is unlawful and that the data requested would materially assist Eldridge Cleaver in his defense in the California state criminal charges.

On February 27, 1976, plaintiffs' attorney, in a letter to the Deputy Attorney General, Department of Justice, Washington, D. C., requested information pertaining

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgnt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

- 1 - Los Angeles
- 1 - San Diego
- 1 - San Francisco

SEE NOTE FOR SACs, LOS ANGELES, SAN DIEGO, AND SAN FRANCISCO, PAGE SIX

SEE NOTE, PAGE SIX

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JUN 17 1976

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FBI/DOJ

Assistant Attorney General
Civil Division

to plaintiff pursuant to the FOIA. Plaintiffs requested that records be made available concerning them including any and all records, materials, files, memoranda, and papers which refer directly or indirectly in any manner to the person or activities of Eldridge Cleaver or Kathleen Cleaver. The request stated the information is pertinent to Mr. Cleaver's imminent trial in state court in California. By letter dated March 2, 1976, plaintiffs' attorney provided copies of authorizations signed by plaintiffs to release information to their attorney pertaining to them. By letter to plaintiffs' attorney dated March 3, 1976, Susan M. Hauser, Assistant to the Deputy Attorney General, acknowledged receipt of the FOIA request dated February 27, 1976, and informed plaintiffs that the request had been referred to the FBI and the Criminal Division of the Justice Department, for separate determinations and responses.

By letter dated March 19, 1976, to plaintiffs' attorney we acknowledged receipt of plaintiffs' FOIA request and advised plaintiffs that an exceedingly heavy volume of Freedom of Information - Privacy Acts (FOI-PA) requests had been received and that there was a delay in processing FOIA requests. We informed plaintiffs that in an effort to deal fairly with any request requiring processing, each request was being handled in chronological order based on the date of receipt. Plaintiffs were assured that their request was being handled as equitably as possible and that all documents which could be released would be made available at an early date. By letter dated March 29, 1976, plaintiffs' attorney advised they were aware of the backlog of FOIA requests with the FBI and asked that their request be given expedited treatment as Eldridge Cleaver is facing an imminent trial presently scheduled for June 14, 1976, in state court in California, and that the information and material was believed to be directly related to the charges and the information was needed in order to prepare for his defense.


By letter to plaintiffs' attorney dated April 15, 1976, we informed plaintiff that as stated in our letter dated March 12, 1976, we had a backlog of cases on hand which were being processed chronologically based on date of receipt and informed plaintiffs that at this time it was not

Assistant Attorney General
Civil Division

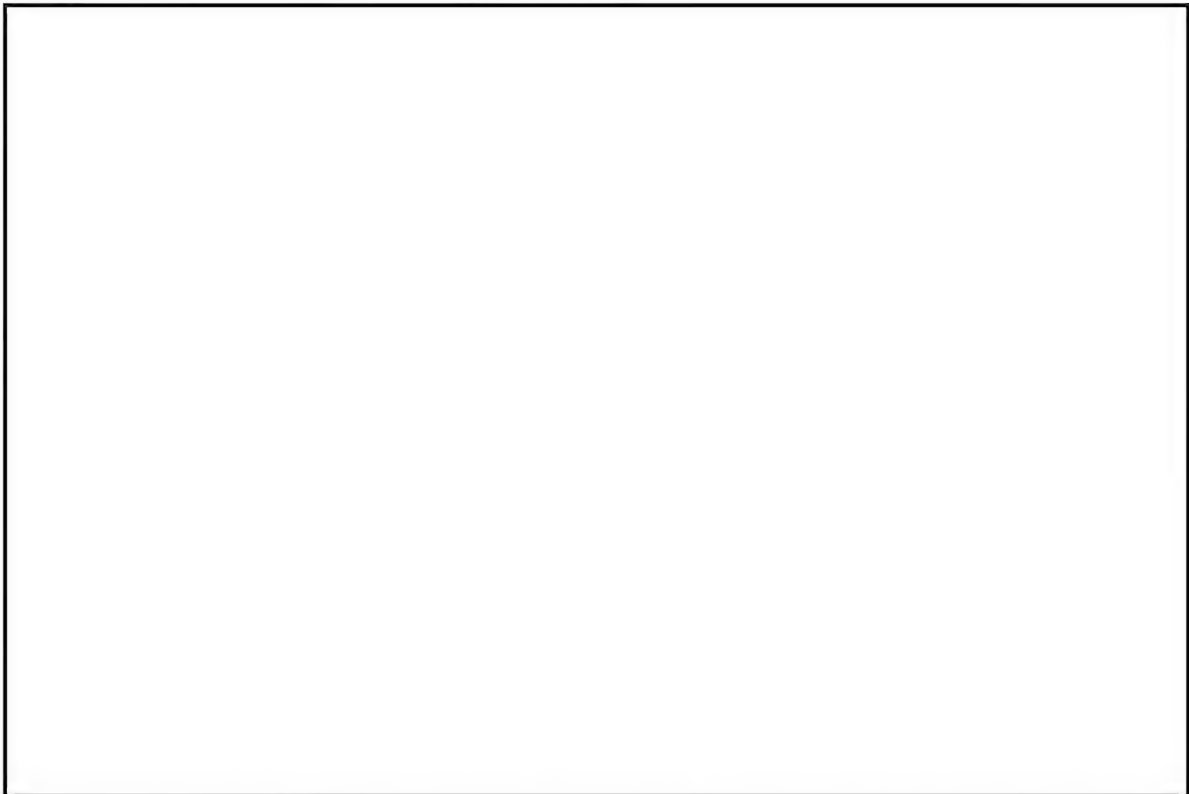
possible to give a date as to when the request would be processed.

For your information, we have extensive information pertaining to plaintiffs; however, we do not know it to be relevant to his defense on state charges in California at a trial beginning on June 14, 1976.

The following are suggested answers for the specific allegations in the complaint. They are numbered to correspond with the numbered allegations in the complaint:



Assistant Attorney General
Civil Division



Regarding the above, an affidavit to show exceptional circumstances in this matter was prepared by us and submitted to the Civil Division for filing in court on May 19, 1976.

In the event additional information and/or assistance is desired by you in this matter, please contact Special Agent [redacted] of our Legal Counsel Division, Information and Privacy Acts Litigation Unit, at telephone number [redacted]. It is requested that you keep this Bureau advised of all pertinent developments in this matter and furnish copies of all documents filed with the court.

1 - United States Attorney
District of Columbia

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Assistant Attorney General
Civil Division

NOTE FOR SACs, LOS ANGELES, SAN DIEGO, AND SAN FRANCISCO:

Copy being provided for information only because
of pending litigation in the United States District Court,
District of Columbia.

NOTE:

To provide instant litigation report to the
Department for purposes of defending suit.

APPROVED: _____	Inspection.....	Laboratory.....
Assoc. Dir.	Intell.....	Legal Coun.....
Dep. AD Adm.	Ext. Affairs.....	Plan. & Eval.....
Dep. AD Inv.	Fin. & Pers.....	Rec. Mgmt.....
Asst. Dir.: _____	Gen. Inv.....	Spec. Inv.....
Adm. Serv.	Ident.....	Training.....

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-15-2008 BY 60322/JCLRP/

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b7C

DATE: May

JA:BETitus:jld

Tel. 739-4267

b2

TO : Chief, Litigation Unit
Freedom of Information
Federal Bureau of Investigation

FROM : Jeffrey Axelrad, Chief
Information and Privacy Section
Civil Division

SUBJECT: Eldridge and Kathleen Cleaver v. Clarence M.
Kelley, et al., U.S.D.C. D. D.C.

Enclosed is a copy of the complaint in the above-
entitled matter filed pursuant to 5 U.S.C. §552.

Because the Freedom of Information Act provides that
FOI cases take precedence on the docket, we would appreciate
your providing us a litigation report in duplicate by
May 25, 1976 if possible, which report should include the
following:

1. A statement as to the manner, place, and time of
plaintiff's request to your office to make the records
involved available for his inspection, including four copies--
one certified-- of any documents or other memoranda incorpor-
ating plaintiff's request.

2. Five copies--one certified--of any correspondence
or memoranda of any communication, written or oral, between
your office and the plaintiff concerning plaintiff's request
for the records involved.

3. If the records have been identified and located a
detailed description or summary of the records involved and
a statement as to their current location. If it has not
been possible to identify or locate the records, please
include a statement to this effect.

4. Two copies of any correspondence or memoranda within
your office showing the administrative processing of the
plaintiff's request.

JUN 4 1976

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5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5. A statement of the reason or reasons why in the opinion of your office the record involved should not be made available. Such reasons should be related as directly as possible to the statute, as for example, that the record is available under subsection (a)(1) or (a)(2) of the Act, that the record is exempted from disclosure by some other statute or that the record is within one or more of the other exemptions of subsection (b) of the Act, or that the plaintiff did not comply with the applicable regulations in requesting the record. Where the record falls within one or more of the exemptions of subsection (b) of the Act, such exemption should be specifically identified and discussed.

We suggest that you include in the affidavit or affidavits a statement of facts demonstrating the manner in which production of the records requested would prejudice the operation of your office.

6. Executed original and five copies of an affidavit setting forth facts establishing any defenses you think pertinent. If there are any questions on the form of this affidavit, Bruce E. Titus (187-4267) of our office will do his best to assist you.

7. The name and telephone number of the attorney in your office who will be familiar with this.

Enclosure

cc: United States Attorney
Washington, D. C. 20001

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (100-447251)

DATE: 6/2/76

FROM : SAC, SAN FRANCISCO (88-12329) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER
EM -BPP

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

Re San Francisco teletype to the Bureau, 3/12/76.

CLEAVER remains incarcerated on the 10th Floor Jail at the Alameda County Courthouse in Oakland, California. Georgia State Senator JULIAN BOND visited CLEAVER on 5/4/76. [redacted] continues her defense fund-raising efforts in [redacted] behalf. She spoke at Occidental College on 4/6/76.

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BPP spokesmen and CLEAVER continue to blast each other in the local press. Briefly, the BPP labels CLEAVER as a police informer/agent, having made a deal with authorities to return to the United States, and having given secret testimony to U.S. Senator JAMES EASTLAND's Judicial Internal Security Subcommittee in February, 1976. CLEAVER charges that the Panthers are part of a black conspiracy to keep him illegally confined and held incommunicado from the mass media.

CLEAVER's trial is scheduled to start on 6/14/76. Attorney HIGGINS, representing CLEAVER, has been denied a delay motion for more time.

On 6/1/76, BILL MC GINNIS, Alameda County Assistant District Attorney, Oakland, California, advised that CLEAVER's attorney, GEORGE HIGGINS, is trying to resign from CLEAVER's defense staff over the lack of money and disagreement with CLEAVER on the way CLEAVER's case should be handled.

This information was confirmed on the same date by [redacted], who is assisting in CLEAVER's defense. She advised that if HIGGINS quit, she is unsure who might replace him.

2 - Bureau
2 - San Francisco
AWB/vdb 1-4077-T
(4)

REC-3

100-447251-1363

23 JUN 7 1976

EX-116

NE



JUN 24 1976

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

SF 88-12329
AWB/vdb

San Francisco will keep the Bureau advised of developments in the above captioned case.

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

TO : [REDACTED]

b6

DATE: 5/26/76

b7C

FROM : Legal Counsel *[Signature]*

SUBJECT: ELDRIDGE CLEAVER, et al. v.
CLARENCE M. KELLEY, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-0795

Assoc. Dir. _____
i. AD Adm. _____
i. AD Inv. _____
i. Dir. _____
i. Affair _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgmt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

PURPOSE:

To advise of results of court appearance of Bureau officials requested by United States District Court Judge June Green.

SYNOPSIS:

My memorandum 5/25/76 advised Judge Green requested appearance of FBI personnel responsible for processing of FOIA and Privacy Act requests on 5/26/76 to discuss our experience in administering requests under these acts. She had noted both judiciary and executive were experiencing administrative burdens and she hoped to find some way of seeking relief. Sworn testimony of Bureau personnel given instant date, including our experience with these acts and attempts to seek relief. Judge Green listened attentively to the testimony of Bureau officials, acknowledged she was aware of the problems presented, expressing her interest in obtaining a solution to the problems rather than a presentation of the problems. In instant litigation plaintiff has moved for expedited processing of records. Judge Green advised plaintiff's counsel his

- 3 - Mr. Decker
 - (1 - Mr. Powers)
 - (1 - [REDACTED])

- 1 - Mr. [REDACTED]
Attn: [REDACTED]
- 1 - Mr. McDermott
- 1 - Mr. Mintz
- 1 - [REDACTED]
- 1 - [REDACTED]

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CONTINUED - OVER

EX-110 REC-64/00-447251-1364

23 JUN 10 1976

PCM:lsy *[Signature]*

(9)

JUN 21 1976

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

Memorandum to [redacted]
Re: Eldridge Cleaver, et al. v.
Clarence M. Kelley, et al.
(U.S.D.C., D.C.)
Civil Action No. 76-0795

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remedy is to seek a subpoena duces tecum calling for FBI records sought in the state court of California where Eldridge Cleaver is being tried on criminal charges.

RECOMMENDATION:

None. For information.

[Handwritten signature]

APPROVED:
Assoc. Dir. *[initials]*
Dep. AD Adm. *[initials]*
Dep. AD Inv. *[initials]*
Asst. Dir.: *[initials]*
Adm. Serv. *[initials]*

Ext. Affairs.....
Fin. & Pers.....
Gen. Inv.....
Ident.....
Inspection.....
Intell.....

Laboratory.....
Legal Coun. *[initials]*
Plan. & Eval. *[initials]*
Rec. Mgmt. *[initials]*
Spec. Inv. *[initials]*
Training.....
[initials]

DETAILS:

Memorandum of 5/25/76 advised Judge Green requested appearance of FBI personnel in her court 5/26/76 to discuss FBI experience with processing of FOIA and Privacy Act requests, noting both the judiciary and executive are carrying an administrative burden currently that is serious enough to require attention since additional court orders requiring expedited processing of FOIA requests are self-defeating and only increase the burden. Plaintiff, in this action, is seeking expedited processing of FBI records on himself to assist in his impending trial on state charges in California.

On 5/26/76, the following Bureau officials were introduced to Judge Green's court by Departmental Attorney Bruce E. Titus, and they gave sworn testimony in the following sequence:

1. Section Chief James *M.* Powers outlined the overall program and problems presented in administering our response to requests made as well as our efforts to cope with same.

2. Special Agent [redacted] outlined briefly our handling of special project-type requests encompassing records of large volumes such as captioned case.

Memorandum to [REDACTED]
Re: Eldridge Cleaver, et al. v.
Clarence M. Kelley, et al.
(U.S.D.C., D.C.)
Civil Action No. 76-0795

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3. Assistant Director McDermott testified he had, in December of 1975, given testimony before the House Committee on Government Operations to inform them of our overall program and problems being experienced in administering the FOIA and Privacy Act. In addition, he noted Deputy Attorney General Tyler had also furnished testimony and had corresponded with the above Committee on the same topic. In response to Judge Green's question as to what type of relief would be appropriate, Mr. McDermott referred to H.R. 12975, introduced by Congressman Andrew Maguire (NJ), a member of the above-mentioned Committee, in the House of Representatives 4/1/75. This bill provides a liberalized period of time for response to requests by Government agencies and recognizes that requests for voluminous-type records should be handled with a more liberalized time schedule. Judge Green expressed dissatisfaction with that section of the bill stating she did not consider this to be a solution to the problems presented.

4. Assistant Director Decker commented generally on the fairness of the present system utilized by the FBI which allows for processing requests in chronological order based on the date of their receipt.

Judge Green listened attentively to the presentation of the above testimony, stated she was aware of the problems the FBI and Government agencies were facing with regard to processing FOIA requests, but desired to arrive at a solution to these problems rather than listen to a presentation of the problems. At that point, Judge Green addresses herself to the instant litigation whereby plaintiff is seeking expedited processing of FBI records and she merely advised plaintiff's counsel, Robert Cornell, that it would appear his remedy was to seek a subpoena duces tecum in the state court of California calling for production of FBI records.

Subsequent to above open court hearing, Departmental Attorney Titus advised he anticipated no problem in quashing a subpoena, if secured as noted above. Titus suggested plaintiff's counsel may not seek such a subpoena.

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. _____
Dep. AD Adm. *f* _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
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Legal Coun. *JK* _____
Plan. & Eval. *JK* _____
Rec. Mgnt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

DATE: 6/1/76

TO : [Redacted]

FROM : Legal Counsel *JK*

SUBJECT: ELDRIDGE CLEAVER, et al. v.
CLARENCE M. KELLEY, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-0795

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

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PURPOSE:

To advise United States District Court Judge June L. Green ordered judgment for defendants in captioned civil action on 5/27/76.

SYNOPSIS:

My memoranda dated 5/25/76 and 5/26/76 advised plaintiffs had brought instant civil action under FOIA to secure Bureau records on themselves, particularly those pertinent to impending criminal trial of Eldridge Cleaver scheduled for 6/14/76. Court had called for testimony of Bureau officials which was given 5/26/76, and Judge Green suggested remedy of plaintiff Eldridge Cleaver was to seek subpoena from state court in California. On 5/28/76 Departmental Attorney made available Judgment and Opinion filed 5/27/76 which set forth final judgment for defendants on all counts of plaintiffs' complaint. Judge Green found that FBI has exercised due diligence under the circumstances and has responded in an equitable manner to all FOIA requesters through the implementation of the chronological policy, and is therefore in compliance with the FOIA. *ST*

100-447251-1365

JUN 15 1976

Enclosures (2) **ENCLOSURE**

3 - Mr. Decker
(1 - Mr. Powers)
(1 - [Redacted])

1 - [Redacted]
Attn: [Redacted]

1 - Mr. McDermott
1 - Mr. Mintz

1 - [Redacted]
1 - [Redacted]
1 - [Redacted]

PCM:lsy/lyf
(10)

CONTINUED - OVER

58 JUN 18 1976

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

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Memorandum to
Re: Eldridge Cleaver, et al. v.
Clarence M. Kelley, et al.
(U.S.D.C., D.C.)
Civil Action No. 76-0795

RECOMMENDATION:

None. For information.

BM

K

cm

APPROVED: <i>[Signature]</i>	Ext. Affairs.....	Laboratory.....
Assoc. Dir. <i>[Signature]</i>	Fin. & Pers.....	Legal Coun. <i>[Signature]</i>
Dep. AD Adm. <i>[Signature]</i>	Gen. Inv.	Plan. & Eval. <i>[Signature]</i>
Dep. AD Inv. <i>[Signature]</i>	Ident.	Rec. Mgmt.
Asst. Dir.: <i>[Signature]</i>	Inspection.....	Spec. Inv.
Adm. Serv.	Intell.	Training.....

DETAILS:

My memorandum dated 5/26/76 advised plaintiffs had made FOIA request for FBI documents in March of 1976, stressing need for data pertinent to impending criminal trial of Eldridge Cleaver scheduled for 6/14/76 in state court in California. Plaintiffs brought this civil action on 5/7/76 under FOIA and filed motions calling for immediate release of documents. Judge Green requested appearance of FBI officials for court hearing 5/26/76. My memorandum dated 5/26/76 reported results of court appearance of Bureau officials who outlined FBI's experience in administering FOIA and resultant burden occasioned by large number of requests received as well as court orders requiring expedite processing. Judge Green then advised plaintiffs' counsel his remedy was to seek a subpoena duces tecum calling for FBI records from the state court in California.

On 5/28/76 Departmental Attorney Bruce E. Titus made available Judgment and Opinion filed 5/27/76 and attached hereto, in which Judge Green awarded final judgment for defendants on all counts of plaintiffs' complaint. The Opinion noted the FBI, in Judge Green's opinion, had shown to the satisfaction of the court that it had exercised due diligence under exceptional circumstances and had responded in an equitable manner through the implementation of the chronological policy which calls for handling FOIA requests in order of date received. The court noted this decision may well present a particular hardship for the plaintiffs, however, the court can only interpret the law as written.

Memorandum to [redacted]
Re: Eldridge Cleaver, et al. v.
Clarence M. Kelley, et al.
(U.S.D.C., D.C.)
Civil Action No. 76-0795

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Further, changes to the law dealing with the manner in which the FOIA is implemented or additional funds to provide sufficient manpower to implement same can come only from Congress. In a footnote, Judge Green noted Assistant Director McDermott, Administrative Services Division, gave testimony to the fact H.R. 12975 has been introduced in Congress and it would amend the FOIA by liberalizing processing requirements by responding Executive Branch agencies.

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In view of the significance of this favorable Judgment and Opinion, Special Agent [redacted] Legal Counsel Division, requested Mr. Titus to request the court to publish same. Mr. Titus advised he would do so, but could not promise the court would agree to taking this step, such being within the discretion of the justice rendering the opinion in question.

Jack

✓
FILED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MAY 27 1976

JAMES F. DAVEY, Clerk

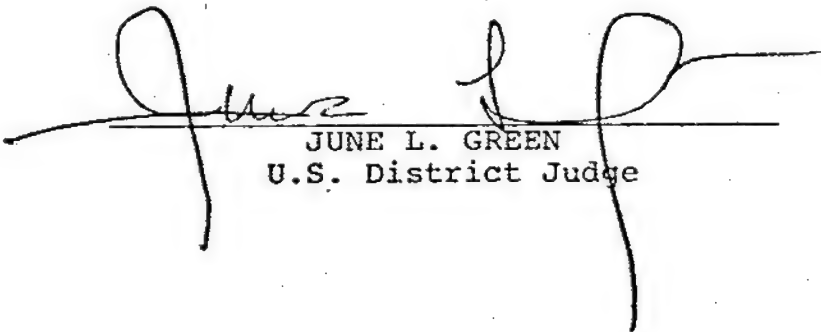
ELDRIDGE AND KATHLEEN CLEAVER :
Plaintiffs :
v. : Civil Action No. 795-76
CLARENCE M. KELLEY, et al :
Defendants :

JUDGMENT

Upon consideration of plaintiffs' motion for preliminary injunction with accompanying memoranda of points and authorities, and opposition filed thereto by defendants, which the Court ruled on May 20, 1976 would be consolidated into hearing of a trial on the merits pursuant to Rule 65 of the Federal Rules of Civil Procedure, and upon consideration of oral argument by counsel on May 20, 1976, and upon further inquiry and hearing by the Court on May 26, 1976, it is by the Court this 27th day of May 1976, in accordance with the accompanying Opinion,

ORDERED that plaintiffs' motion for preliminary injunction be and it is hereby denied; and it is further

ORDERED that final judgment be and it is hereby entered in favor of defendants on all counts of plaintiffs' complaint.


JUNE L. GREEN
U.S. District Judge

101

11- Pbm

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 27 1976

ELDRIDGE AND KATHLEEN CLEAVER :

Plaintiffs :

v. : Civil Action No. 795-76

CLARENCE M. KELLEY, et al :

Defendants :

JAMES F. DAVEY, Clerk

OPINION

This action is brought pursuant to the Freedom of Information Act, as amended, 5 U.S.C. 552, et seq., and 28 U.S.C. 1361. Plaintiffs are seeking to compel the United States Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI), or their directors, to disclose the contents of certain files in defendants' possession relating to the plaintiffs prior to Mr. Cleaver's trial on June 14, 1976, in California on state criminal charges.

Pending before the Court are plaintiffs' motion for preliminary injunction and defendants' opposition thereto, and motion to dismiss and to stay further proceedings. The trial on the merits was consolidated with a hearing on the motions on May 20, 1976, and with further hearings on May 26, 1976. Rule 65(a)(2) F.R. Civ. P.

On February 27, 1976, plaintiffs' attorney sent a letter to the Deputy Attorney General, DOJ, requesting "any and all records, materials, files, memoranda and papers which refer, directly or indirectly in any manner, to the person or activities of Eldridge Cleaver. . .and Kathleen Cleaver." Expedited treatment of the material was requested since the

(N)

information was thought to be pertinent to Mr. Cleaver's imminent trial in the state court in California. The letter was referred to the FBI and Criminal Division, DOJ, for separate determinations and responses.

By letter dated March 19, 1976 to plaintiffs' attorney, the Director of the FBI acknowledged receipt of the request and advised plaintiffs that due to the heavy volume of Freedom of Information and Privacy Act (FOIPA) requests, and in an attempt to deal with each one equitably, the Agency was processing the requests in chronological order based on the date received, and that all documents which would be released would be available under this condition at the earliest possible date. Further correspondence from plaintiffs was sent requesting expedited treatment, which request was again denied based on the chronological processing policy. On May 7, 1976, the instant action was filed with a motion for a temporary restraining order, which was denied. Following the aforementioned proceeding, and before a hearing on the merits, counsel for plaintiffs and counsel and agents for the defendants met in an attempt to narrow the request, define the volume of material sought and possibly retrieve the files which were most pertinent.

Plaintiffs assert that, in effect, their request has been denied since it was not processed within the specific time provisions of the Act, 5 U.S.C. 552(a)(6)(A), and thus the defendants should be compelled to furnish information on an expedited basis. Defendants have responded that they have not denied the request but are only following the so-called "chronological processing policy" which, under the exceptional

circumstances presented by the heavy volume of FOIA requests, conforms the agency's conduct to the law.

The crux of this action is whether the Agency has complied with the Act in its failure to process plaintiffs' request under the time deadlines set forth at 5 U.S.C. 552 (a) (6) (A).

Although the Act specifies stringent time deadlines within which requests are to be processed, it also allows for alternative procedures under exceptional circumstances. Under 5 U.S.C. 552(a)(6) (C), the Act provides:

"If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records."

In 1973, the FBI, with an FOIA staff of eight people, received approximately one request a day and processed them without undue delay. The requests, however, have increased enormously. In 1975, an average of 53 requests a workday were received. During the first two months of 1976 alone, 2288 requests were received. To meet the growing burdens, the FBI increased the number of personnel processing the FOIPA requests to 161. This number rivals the number of agents assigned to the headquarter's general investigatory section. Despite these efforts, the backlog is estimated to be about 6532 requests. (This means an approximate eight-month delay in processing the initial request.)

Furthermore, it should be noted that plaintiffs' request covers extensive information. At least 29 main file

volumes exist on Eldridge Cleaver, and both plaintiffs appear in several other files. Each volume contains approximately 200 pages.

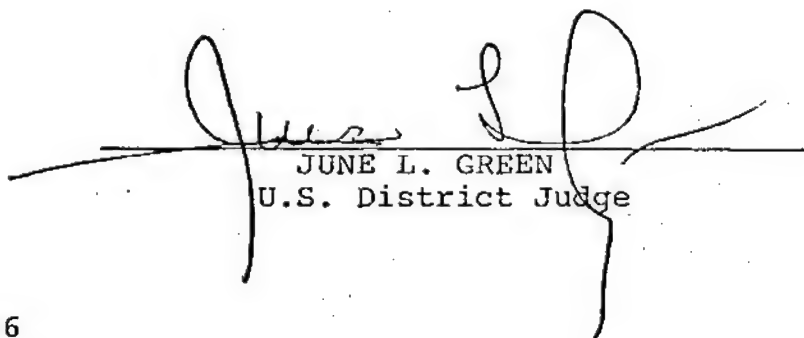
In view of the history of the FOIPA and the Agency's experience with requests under the Act as cited above, it would appear that the backlog with which the Agency is now faced was not predictable or expected; indeed, it is exceptional. Under the circumstances, the Agency has shown to the satisfaction of the Court that it has exercised due diligence under exceptional circumstances as concerns the initial processing of requests, and has responded in an equitable manner through the implementation of the chronological policy.

The Court, therefore, holds that the FBI is in compliance with the Act under 5 U.S.C. 552(a)(6)(C). The Court notes in passing that the result may well present a particular hardship for the plaintiffs; however, the Court can only interpret the law as written. Changes to the law by way of exceptions to the manner in which the Act is implemented which would amend the policy herein, or additional funds to provide sufficient manpower to implement the Act can only come from Congress.^{1/}

Since plaintiffs have structured their complaint as an action to compel an agency response prior to Mr. Cleaver's trial commencing June 14, 1976, and the testimony has indicated that the instant request will not be processed by that time under the chronological policy which the Court has upheld,

^{1/} During the May 26, 1976 hearing, James J. McDermott, Assistant Director, Administrative Services, FBI, indicated that a bill, H.R. 12975, has been introduced into the House Subcommittee on Government Information and Individual Rights which would amend the FOIA and permit an agency thirty days (cont.)

the Court will not exercise its discretion to retain jurisdiction under 5 U.S.C. (a) (6) (C), and judgment will be entered for defendants.


JUNE L. GREEN
U.S. District Judge

Dated: May 27, 1976

1/ (cont.) additional processing time for each 200 pages of documents. Thus, in a case such as the instant action, the bill would give the Agency 2-1/2 years to complete just the initial review. The spirit and language of the 1974 amendments to the FOIA gives life to the concept of the public's right to know and enunciates a national policy requiring prompt and complete disclosure of information. It would appear to this Court that the solution is in added manpower and training so that agencies may conform their conduct to the requirements of 552(a)(6)(A) and upon initial review of the documents withhold only those items specifically exempted from disclosure under a narrow reading of the Act as opposed to provisions giving extensive time delays.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR FBI (100-447251)

DATE: 6/16/76

FROM: *cmf* SAC SAN FRANCISCO (88-12329) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER
EM
OO: San Francisco

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2009 BY 60322/UCLRP/PJ/EHL

Re San Francisco letter to the Bureau dated 6/2/76.

On 6/14/76, the Oakland, California, trial of
Subject was recessed to allow Subject to seek a new attorney.

Superior Court Judge LIONEL WILSON allowed GEORGE
HIGGINS of Boston to withdraw from the case because of
substantial differences over defense strategy.

San Francisco will keep the Bureau advised of
developments in this matter.

5T

EX-101

REC-73

100-447251-1366

JUN 18 1976

② - Bureau (RM)
2 - San Francisco
AWB/sdc (S-2)



(4)
58 JUL 9 1976
4077-1
269

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

Memorandum

TO : [REDACTED]

FROM : [REDACTED]

SUBJECT: LEROY ELDRIDGE CLEAVER
EM - BPP (CF)

1 - Mr. D. W. Moore.
1 - [REDACTED]
1 - [REDACTED]
1 - [REDACTED]

DATE: 6/21/76

1 - [REDACTED]
1 - Mr. V. R. Thornton

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

PURPOSE:

To advise of an inquiry of our Legat, Paris by Readers Digest Bureau, Paris, France, for any information indicating French President Giscard d'Estaing rendered assistance to subject.

RECOMMENDATION:

None. For information.

APPROVED: [Signature] Ext. Affairs. [] Laboratory. []
Assoc. Dir. [] Fin. & Pers. [] Legal Coun. []
Dep. AD Adm. [] Gen. Inv. [] Plan. & Eval. []
Dep. AD Inv. [] Ident. [] Rec. Mgnt. []
Asst. Dir.: [] Inspection [] Spec. Inv. []
Adm. Serv. [] Intel. [] Training []

EX-110

REC-72

100-417251-1367
JUL 6 1976

DETAILS:

In December, 1975, Leroy Eldridge Cleaver, incarcerated leader of the extremist Black Panther Party - Cleaver Faction (BPP-CF), furnished information indicating he arrived in Paris, France, illegally and remained in an underground status for approximately one year while trying to establish legal residence in France. Cleaver claims to have met with President Giscard d'Estaing, who at that time was Minister of Economics and Finance, and that President Giscard d'Estaing interceded on Cleaver's behalf in obtaining legal residence in France. There has been no information developed to substantiate Cleaver's information, which was voluntarily furnished by him during an interview with our Agents, after his return to the United States from Paris. Because of Cleaver's pending trial on local charges, we have had no recent contact with him.

VRT:kle
(7) 54 JUL 15 1976

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Training _____
Telephone Rm. _____
Director Sec'y _____

FBI/DOJ

Memorandum to [redacted]
Re: Leroy Eldridge Cleaver
EM - BPP (CF)

For [redacted]

By teletype 6/18/76, Legat, Paris advised [redacted] Readers Digest Bureau, Paris, contacted our Legat on recommendation of the Embassy Press Attache concerning a feature story "Readers Digest" is doing on Cleaver. [redacted] indicated "Readers Digest" was in receipt of information indicating current French President Giscard d'Estaing had assisted Cleaver in obtaining permanent status in France. Information possessed by "Readers Digest" initially conforms with Cleaver's December, 1975, account. [redacted] requested any information which would confirm or refute Cleaver's claimed assistance.

Legat, Paris advised [redacted] that no such information was currently available which originated in France and that no other comment on its authenticity could be made. In view of the potentially embarrassing nature of this information and its possible ramification on Franco-American relations, pertinent officials of the Paris Embassy and the Director of the French DST have been apprised of this information.

~~SECRET~~

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Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

JUN 18 1976

TELETYPE

4:00 PM URGENT 6/18/76 JLS

TO DIRECTOR (100-447251) NR 135-18
FROM LEGAT PARIS (88-256)

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-15-2008

~~SECRET~~

LEROI ELDREDGE CLEAVER, EM - BPP.

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RE PARIS LETTER 1/21/76 AND LOS ANGELES LHM 12/18/75,
BOTH CAPTIONED "BLACK PANTHER PARTY - CLEAVER FACTION".

ON 6/17/76 [] READERS DIGEST BUREAU,
PARIS, FRANCE, TELEPHONICALLY CONTACTED LEGAT PARIS ON
RECOMMENDATION OF EMBASSY PRESS ATTACHE CONCERNING FEATURE
STORY ON CLEAVER BEING PREPARED BY READERS DIGEST IN THE
UNITED STATES. [] ADVISED THAT INFORMATION CONCERNING
ASSISTANCE RENDERED BY CURRENT FRENCH PRESIDENT GISCARD
D'ESTAING TO CLEAVER IN ARRANGING RESIDENT STATUS FOR
CLEAVER IN FRANCE WAS DEVELOPED BY READERS DIGEST IN THE
UNITED STATES WHICH WAS ESSENTIALLY IN CONFORMITY WITH DATA
SET FORTH IN REFERENCED LOS ANGELES COMMUNICATION. []
REQUESTED ANY INFORMATION WHICH WAS AVAILABLE TO THE PARIS
EMBASSY WHICH WOULD CONFIRM OR REFUTE THE ABOVE CLAIMED
ASSISTANCE GIVEN CLEAVER BY GISCARD D'ESTAING.

~~SECRET~~

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PAGE TWO ~~SECRET~~ PAR 88-256

[] WAS ADVISED BY LEGAT PARIS THAT NO SUCH INFORMATION WAS CURRENTLY AVAILABLE WHICH ORIGINATED IN FRANCE AND THAT NO OTHER COMMENT ON ITS AUTHENTICITY COULD BE MADE. IN VIEW OF THE POTENTIALLY EMBARRASSING NATURE OF THIS INFORMATION AND ITS POSSIBLE RAMIFICATIONS ON (S) FRANCO-AMERICAN RELATIONS, PERTINENT OFFICIALS [] (S) [] HAVE BEEN APPRISED OF THIS INFORMATION BY LEGAT PARIS.

THE FOREGOING IS BEING SUBMITTED FOR INFORMATION OF THE BUREAU AND ANY ADDITIONAL INFORMATION DEVELOPED WILL BE PROMPTLY FURNISHED.

~~CLASSIFIED BY 2415. XGDS. CATEGORY ONE. INDEFINITE.~~

END

~~SECRET~~

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UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
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DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

Assoc. Dir. _____
AD Adm. _____
AD Inv. _____
Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

TO :

[Redacted]

DATE: 7/13/76

FROM :

Legal Counsel *[Signature]*

SUBJECT:

ELDRIDGE CLEAVER, et al. v.
CLARENCE M. KELLEY, et al.
(U.S.D.C., D. C.)
CIVIL ACTION NO. 76-0795

PURPOSE:

This is to advise of receipt of requested transcript of testimony of Bureau officials.

DETAILS:

My memorandum dated 6/1/76 advised United States District Court Judge June L. Green ordered judgment for defendants in captioned civil action on 5/27/76. The court had previously called for testimony of Bureau officials which was given on 5/26/76. At the request of Special Agent [Redacted] Legal Counsel Division, Departmental Attorney Bruce E. Titus, Deputy Chief, Information and Privacy Section, Civil Division, obtained a transcript of the testimony and furnished same by attached memorandum dated 7/8/76. The transcript sets forth the testimony of Section Chief James M. Powers, Special Agent [Redacted] Assistant Director A. J. Decker, all of the Records Management Division, and Assistant Director John J. McDermott of the Administrative Services Division.

Enclosure

- 2 - Mr. Decker
 - (1 - Mr. Powers)
 - (1 - [Redacted])
- 1 - [Redacted]
Attn: [Redacted]
- 1 - Mr. McDermott
- 1 - Mr. Mintz
- 1 - [Redacted]
- 1 - [Redacted]

PCM:lso *[Signature]*
(8)

REC-36

JUL 20 1976

CONTINUED - OVER



5010-108

5 AUG 05 1976 Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Memorandum to
Re: Eldridge Cleaver, et al. v.
Clarence M. Kelley, et al.
(U.S.D.C., D. C.)
Civil Action No. 76-0795

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RECOMMENDATION:

None. For information.

RBm

jet

APPROVED:	Ext. Affairs.....	Laboratory.....
Asst. Dir.	Fin. & Pers.....	Legal Coun.....
Dep. AD Adm.....	Gen. Inv.....	Plan. & Eval.....
Dep. AD Inv.....	Ident.....	Rec. Mgmt.....
Asst. Dir.: <i>RBm</i>	Inspection.....	Spec. Inv.....
Adm. Serv. <i>RBm</i>	Intell.....	Training.....

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
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DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

b6
b7C

TO : [Redacted] Chief
Litigation Unit, Freedom of
Information
FROM : Federal Bureau of Investigation
Bruce E. Titus, Deputy Chief
Information and Privacy Section
SUBJECT: Civil Division

DATE: July 8, 1976

BETitus:pmk
[Redacted]

Tel. 739-4267

b2

Eldridge and Kathleen Cleaver v.
Clarence M. Kelley, et al., U.S.D.C.
D. District of Columbia, No. 795-76.

Civil Action

Enclosed for your information and files is a copy of
the Transcript of May 26, 1976 in this case. Also enclosed
is a copy of the Judgment and Order filed May 27, 1976.
We are therefore closing our file on this matter. Thank
you for your cooperation.

H 157-1743-
ENCLOSED COPY FILED IN

Enclosures

cc: United States Attorney
Washington, D.C.

1-3646
1 copy each
Rm 3646 per

EX-101

REC-33

100-447251-1371

JUL 20 1976

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5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

11 PSM
W. W. [Signature]

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DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

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FILED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MAY 27 1976

JAMES F. DAVEY, Clerk

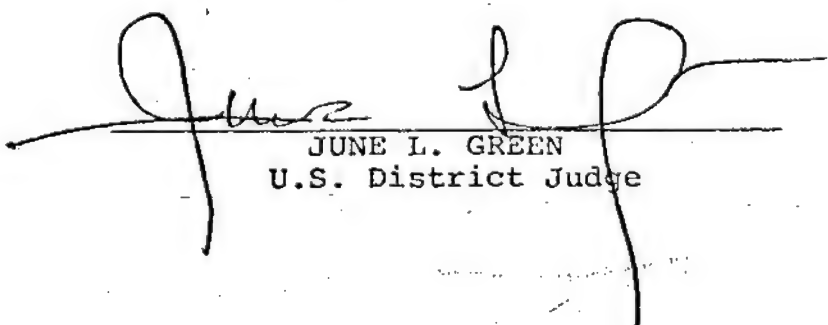
ELDRIDGE AND KATHLEEN CLEAVER :
Plaintiffs :
v. : Civil Action No. 795-76
CLARENCE M. KELLEY, et al :
Defendants :

JUDGMENT

Upon consideration of plaintiffs' motion for preliminary injunction with accompanying memoranda of points and authorities, and opposition filed thereto by defendants, which the Court ruled on May 20, 1976 would be consolidated into hearing of a trial on the merits pursuant to Rule 65 of the Federal Rules of Civil Procedure, and upon consideration of oral argument by counsel on May 20, 1976, and upon further inquiry and hearing by the Court on May 26, 1976, it is by the Court this 27th day of May 1976, in accordance with the accompanying Opinion,

ORDERED that plaintiffs' motion for preliminary injunction be and it is hereby denied; and it is further

ORDERED that final judgment be and it is hereby entered in favor of defendants on all counts of plaintiffs' complaint.


JUNE L. GREEN
U.S. District Judge

(21)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 27 1976

ELDRIDGE AND KATHLEEN CLEAVER :

JAMES F. DAVEY, Clerk

Plaintiffs :

v. : Civil Action No. 795-76

CLARENCE M. KELLEY, et al :

Defendants :

OPINION

This action is brought pursuant to the Freedom of Information Act, as amended, 5 U.S.C. 552, et seq., and 28 U.S.C. 1361. Plaintiffs are seeking to compel the United States Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI), or their directors, to disclose the contents of certain files in defendants' possession relating to the plaintiffs prior to Mr. Cleaver's trial on June 14, 1976, in California on state criminal charges.

Pending before the Court are plaintiffs' motion for preliminary injunction and defendants' opposition thereto, and motion to dismiss and to stay further proceedings. The trial on the merits was consolidated with a hearing on the motions on May 20, 1976, and with further hearings on May 26, 1976. Rule 65(a)(2) F.R. Civ. P.

On February 27, 1976, plaintiffs' attorney sent a letter to the Deputy Attorney General, DOJ, requesting "any and all records, materials, files, memoranda and papers which refer, directly or indirectly in any manner, to the person or activities of Eldridge Cleaver. . .and Kathleen Cleaver." Expedited treatment of the material was requested since the

information was thought to be pertinent to Mr. Cleaver's imminent trial in the state court in California. The letter was referred to the FBI and Criminal Division, DOJ, for separate determinations and responses.

By letter dated March 19, 1976 to plaintiffs' attorney, the Director of the FBI acknowledged receipt of the request and advised plaintiffs that due to the heavy volume of Freedom of Information and Privacy Act (FOIPA) requests, and in an attempt to deal with each one equitably, the Agency was processing the requests in chronological order based on the date received, and that all documents which would be released would be available under this condition at the earliest possible date. Further correspondence from plaintiffs was sent requesting expedited treatment, which request was again denied based on the chronological processing policy. On May 7, 1976, the instant action was filed with a motion for a temporary restraining order, which was denied. Following the aforementioned proceeding, and before a hearing on the merits, counsel for plaintiffs and counsel and agents for the defendants met in an attempt to narrow the request, define the volume of material sought and possibly retrieve the files which were most pertinent.

Plaintiffs assert that, in effect, their request has been denied since it was not processed within the specific time provisions of the Act, 5 U.S.C. 552(a)(6)(A), and thus the defendants should be compelled to furnish information on an expedited basis. Defendants have responded that they have not denied the request but are only following the so-called "chronological processing policy" which, under the exceptional

circumstances presented by the heavy volume of FOIA requests, conforms the agency's conduct to the law.

The crux of this action is whether the Agency has complied with the Act in its failure to process plaintiffs' request under the time deadlines set forth at 5 U.S.C. 552 (a) (6) (A).

Although the Act specifies stringent time deadlines within which requests are to be processed, it also allows for alternative procedures under exceptional circumstances. Under 5 U.S.C. 552(a)(6)(C), the Act provides:

"If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records."

In 1973, the FBI, with an FOIA staff of eight people, received approximately one request a day and processed them without undue delay. The requests, however, have increased enormously. In 1975, an average of 53 requests a workday were received. During the first two months of 1976 alone, 2288 requests were received. To meet the growing burdens, the FBI increased the number of personnel processing the FOIPA requests to 161. This number rivals the number of agents assigned to the headquarter's general investigatory section. Despite these efforts, the backlog is estimated to be about 6532 requests. (This means an approximate eight-month delay in processing the initial request.)

Furthermore, it should be noted that plaintiffs' request covers extensive information. At least 29 main file

volumes exist on Eldridge Cleaver, and both plaintiffs appear in several other files. Each volume contains approximately 200 pages.

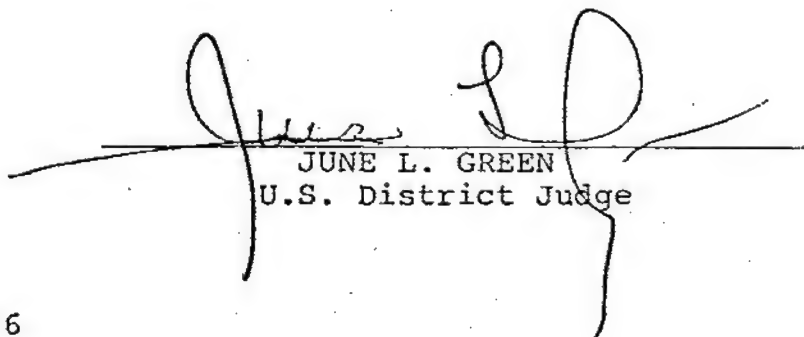
In view of the history of the FOIPA and the Agency's experience with requests under the Act as cited above, it would appear that the backlog with which the Agency is now faced was not predictable or expected; indeed, it is exceptional. Under the circumstances, the Agency has shown to the satisfaction of the Court that it has exercised due diligence under exceptional circumstances as concerns the initial processing of requests, and has responded in an equitable manner through the implementation of the chronological policy.

The Court, therefore, holds that the FBI is in compliance with the Act under 5 U.S.C. 552(a)(6)(C). The Court notes in passing that the result may well present a particular hardship for the plaintiffs; however, the Court can only interpret the law as written. Changes to the law by way of exceptions to the manner in which the Act is implemented which would amend the policy herein, or additional funds to provide sufficient manpower to implement the Act can only come from Congress.^{1/}

Since plaintiffs have structured their complaint as an action to compel an agency response prior to Mr. Cleaver's trial commencing June 14, 1976, and the testimony has indicated that the instant request will not be processed by that time under the chronological policy which the Court has upheld,

^{1/} During the May 26, 1976 hearing, James J. McDermott, Assistant Director, Administrative Services, FBI, indicated that a bill, H.R. 12975, has been introduced into the House Subcommittee on Government Information and Individual Rights which would amend the FOIA and permit an agency thirty days (cont.)

the Court will not exercise its discretion to retain jurisdiction under 5 U.S.C. (a) (6) (C), and judgment will be entered for defendants.


JUNE L. GREEN
U.S. District Judge

Dated: May 27, 1976

1/ (cont.) additional processing time for each 200 pages of documents. Thus, in a case such as the instant action, the bill would give the Agency 2-1/2 years to complete just the initial review. The spirit and language of the 1974 amendments to the FOIA gives life to the concept of the public's right to know and enunciates a national policy requiring prompt and complete disclosure of information. It would appear to this Court that the solution is in added manpower and training so that agencies may conform their conduct to the requirements of 552(a) (6) (A) and upon initial review of the documents withhold only those items specifically exempted from disclosure under a narrow reading of the Act as opposed to provisions giving extensive time delays.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELDRIDGE CLEAVER and
KATHLEEN CLEAVER,

Plaintiffs,

v.

CLARENCE M. KELLEY, et al.,

Defendants.

CIVIL ACTION

NO. 76-795

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TRANSCRIPT OF PROCEEDINGS

WASHINGTON, D. C.

DATE: May 26, 1976

VOLUME NO.

PAGES: 1 - 34

PREPARED FOR: BRUCE TITUS, ESQUIRE

ELAINE D. WELLS
OFFICIAL COURT REPORTER
UNITED STATES COURT HOUSE
WASHINGTON, D. C. 20001

100-441121-1371

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELDRIDGE CLEAVER and
KATHLEEN CLEAVER,

Plaintiffs,

v.

CLARENCE M. KELLEY, et al.,

Defendants.

CIVIL ACTION

NO. 76-795

Washington, D. C.

Wednesday, May 26, 1976

The above-entitled cause came on for hearing before
THE HONORABLE JUNE L. GREEN, United States District Judge,
at 9:30 a.m.

APPEARANCES:

R. B. CORNELL, ESQUIRE

For the Plaintiffs

BRUCE TITUS, ESQUIRE
BARBARA WARD, ESQUIRE
Department of Justice

JOSEPH GUERRIERI, JR., ESQUIRE, AUSA

For the Defendants

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DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

100-44725-1371

C O N T E N T SWITNESSESDIRECTCROSS

JAMES M. POWERS

7

16

THOMAS HENRY BRESSON

19

JOHN J. McDERMOTT

22

ANDREW J. DECKER, JR.

30

P R O C E E D I N G S

THE DEPUTY CLERK: Civil Action 76-795, Cleaver v. Kelley, Mr. Cornell for the plaintiff, Mr. Titus, Mr. Guerrieri and Miss Ward for the defendants.

MR. TITUS: May it please the Court, good morning, Your Honor.

THE COURT: Good morning.

MR. TITUS: At the outset, if I may introduce counsel at the table for record:

Mr. Guerrieri, Assistant United States Attorney for the District of Columbia; and Miss Ward, my colleague at the Department of Justice.

I am Bruce Titus, an attorney with the Information and Privacy Unit in the Civil Division.

This matter has been before the Court on motions for temporary restraining order and motion for preliminary injunction.

At the last hearing Your Honor suggested that she would like to meet with the head in the FBI responsible for FOIA processing, and I suggested that perhaps might be Mr. Farrington. I wasn't sure.

I made a mistake. I was wrong. It isn't Mr. Farrington.

So in order to be responsive to Your Honor's request for a dialogue with some responsible Bureau officials, we have brought with us this morning four officials in the Bureau who might be able to address themselves to various aspects of the

processing, the problems, and the coordination attempts to resolve these problems.

THE COURT: Fine.

MR. TITUS: So if I might initially introduce them all to you, suggest their areas of expertise, and their positions, and suggest perhaps the sequence you might want to take them up in, and then turn them over to Your Honor for the dialogue.

THE COURT: Fine.

MR. TITUS: First, Your Honor, we have brought with us Assistant Director Andrew J. Decker. Mr. Decker has just become the Assistant Director for the Records Management Division in the Bureau.

This division has since 1974 been responsible for processing Freedom of Information Act requests, and since August of 1975, the processing of Privacy Act requests.

Mr. Decker has just recently assumed this position and so he has not been involved in the processing since the beginning of the Amendments and their fantastic increase which has created in part the problems.

However, he is extraordinarily concerned with the problems facing the FOIA section, and is committed to insuring that these problems can be overcome, and that the Act administered, and the Bureau fulfill its commitments under the Act.

We have also brought with us Assistant Director John J. McDermott.

MR. McDERMOTT: Good morning, Your Honor..

THE COURT: Good morning.

MR. TITUS: Assistant Director McDermott was the Assistant Director of the Records Management Division since the Amendments in 1974, and, therefore, was intimately involved in the developing of the FOIA Unit, the processing, facing the problems, and so forth, and the coordination to overcome the problems.

He is currently the Assistant Director for Administrative Services Division.

We have also brought with us Section Chief James M. Powers.

MR. POWERS: Good morning, Your Honor.

THE COURT: Good morning.

MR. TITUS: Mr. Powers is the Chief of the Freedom of Information and Privacy Act Section. This section is the section responsible for the day-to-day administration of the Act, processing of the requests, submitting the results to the requester, and, additionally, preparing affidavits for the court.

In this capacity, he is obviously well versed in the problems facing the Bureau and what they have done to overcome them.

Finally, but certainly not least, we have brought with us Special Agent Thomas Henry Bresson.

MR. BRESSON: Good morning, Your Honor.

THE COURT: Good morning.

MR. TITUS: Special Agent Bresson is perhaps the number one man in the unit --

THE COURT: We seem to have read quite a few of his affidavits.

MR. TITUS: I think you are familiar with Mr. Bresson, yes, Your Honor.

He is particularly knowledgeable in the area of the Special Projects Unit, which handles the massive requests which Your Honor is also very well acquainted with.

I would suggest, Your Honor, that perhaps we present to you a brief discussion by Mr. Powers on the general problems and the daily operations, and then Mr. Bresson specifically direct it towards Special Projects, and, finally, Mr. McDermott, with perhaps somewhat a more generalized and overall approach to the problem.

THE COURT: Fine. Mainly what we really want is the constructive ideas of what to do to get this thing really moving and off the back of everybody, including the Bureau, so that the law can be implemented, whether it is going to require a request to the Congress to give you some more money to hire some people, or whatever, but let's find out what is really needed.

All right -- whoever you would like to present.

MR. TITUS: Mr. Powers.

MR. CORNELL: Your Honor, may I make a statement?

THE COURT: Yes.

MR. CORNELL: If these gentlemen are going to be giving testimony, I would ask that they be sworn and I would like to invoke the rule on witnesses.

THE COURT: Well, it isn't that kind of case, so that will be denied. This is in the nature of something a little different.

What I am trying to do is to find out what can be done for the Bureau. They will all be sworn and may take a seat up here and be more comfortable.

You may swear the witness, please. :

Whereupon

JAMES M. POWERS

was called as a witness by the defendants and having been duly sworn was examined and testified as follows:

DIRECT EXAMINATION

THE COURT: You may take the stand and be more comfortable and we will hear you better.

For the record, I gess you better state your name.

MR. POWERS: James M. Powers. I am a Special Agent of the FBI and am now Section Chief in the Freedom of Information and Privacy Act Section here at the FBI Headquarters.

One, I do welcome the opportunity, Your Honor, to appear and try and point out some of the problems that we do have

in the dilemma that we now find ourselves in with respect to
— implementation of the Freedom of Information and Privacy Act.

I will probably refer to it as just FOI for the sake of
some brevity.

With your opening remarks this morning as to where we
might go and what we might do, I believe that Mr. McDermott will
have some specific comments in connection with that.

What I would like to do for you is briefly -- and that
is difficult because of the magnitude of the problem -- but
briefly tell you where we are right now and how we arrived --
at least in my opinion -- how we arrived at this spot we are in.

As of right now we are 6,070 requests behind, a backlog
in the FOI section, where we have not made a substantial response.

Not too long ago we were a lot higher than that but
we have worked it down to that point right now.

Now, how did we get in that kind of a position? I think
that there are a number of factors, really, that put us there.
I can't perhaps point out any one combination. I think the sheer
volume of the number of requests that we received. I think a
good-faith effort on the part of the Department of Justice to
comply to the maximum extent possible with the spirit of FOI.

For example, even under the Privacy Act that records
compiled for investigatory purposes are exempt, that the Deputy
— Attorney General, as a matter of discretion, has permitted access
under the FOI.

I think also our desire, the Bureau and the Department to comply to the maximum extent possible in disclosure. That has been a principle that we make a disclosure to the maximum responsible extent possible.

Because of this it requires an in-depth study of all the records that may be germane to the particular request.

I think that those, we will say briefly, those three have contributed to the dilemma that we are in right now.

When Congress, when it wrote the latest version of the Act, the Amendments which became effective in February 19, 1975, they did not provide any agency with any money or personnel for the implementation.

The House Committee on Government Operations estimated that the cost of implementing the Amendments would be \$50,000 a year for the entire Government, for fiscal year '74, and \$100,000 a year for each of the five succeeding fiscal years.

In actuality it hasn't quite worked out that way. I think that some of the figures that we in the FBI -- and I cannot speak for other agencies -- but are in stark contrast with exactly what has happened.

Let's take the number of requests. I think the House Report indicated that it would not require an agency to do much to implement these Amendments.

During 1974 we in the FBI received 447 requests. During 1975 we received 13,875 requests.

So far this year we have received 5410 requests. From an average of a little over one per day in 1974, we went to 55 a day in 1975, and we are continuing at the same rate right now.

Cost, in contrast to that \$50,000 a year, for fiscal year '74, it cost the FBI \$160,000; fiscal year '75, \$462,000.

It is estimated for this fiscal year \$2,675,000. It is projected for '77, \$3,427,000. Now, those projected figures do have some actual costs that we are able to capture now.

In January the actual cost for FOI was \$302,000; for February, about \$348,000 for actual cost.

Manpower -- when the Amendments first took effect during 1974 the Bureau had assigned eight people to handle these matters. There have been some subsequent increases from that eight personnel. It increased during the latter part of '74 up to sixteen.

During 1975 it was further increased because of the number of requests coming in, and went up to 105, went to 157, and at the present time, we have 195 people assigned exclusively to processing FOI matters.

Now, the breakdown on this is -- well, without going in -- but we have, it would be about 25 to 40 agents exclusively assigned to do this -- legal-trained agents taken away from other duties in order to handle these matters.

Just for a minute -- I am trying to keep this brief for you -- but to try and give an idea of the scope -- and I am talking about this personnel here -- that does not include personnel,

other personnel in the Bureau that are affected because of what we are doing: the searching of the indices, the retrieval of the files, the mail clerks, the agents in other divisions who are necessarily affected by what we do in FOI.

It does not take into account two agents in each of our 59 field offices that have been brought back here for training -- another 118 men -- and who spend varying portions of their time in processing requests received in the field.

But I can tell you the number that we have right here. If I may, I think in trying to put it into a light, when we are talking of 195 people, that we have more people working on FOI matters here in Headquarters than we have in 45 of our field offices.

The number of people working here is bigger than two of our divisions, our General Investigative and Special Investigative Divisions, which are respectively charged with overseeing all criminal violations in the United States. We outnumber those divisions -- not combined, but separately.

Our priority right now is to try and hold the line. We are trying to handle what has come in, do it as rapidly as we can.

With that backlog that we do have, we are eight months behind. We are working on things that are now going on in September -- this despite the number of personnel that we have put on, despite the fact that there has not been a weekend since

November that at least someone from our section has not been in working on a weekend, just because of the volume received.

There are a number of uncontrollable factors. Really, if I could tell you that we can see a light at the end of the tunnel, if we saw where we were going -- we know we are working hard. What I am telling you today is not being offered as an excuse, but as an explanation of where we are.

During January -- when I say uncontrollable factors -- we all had a minor celebration because we were running 42 requests a day. That to us appeared something to celebrate.

During the first week in February we went up to 82 requests a day. The celebration was short-lived.

We have no idea what may precipitate, you know, an avalanche of further requests -- publicity, certain groups that have organized to specifically inundate us with requests -- we have no idea how many come about.

So we are faced with the sheer volume, the actual retrieval of the records when requests do come in -- and they come in from all walks of life, broad in nature.

The appeals that take place and the subsequent litigation -- the appeals entail re-reviewing the records, as it were, with an attorney from from the Department, and their Appeals Unit, and going over with them -- then into court, the affidavits and things that are caused from there.

The court-ordered deadlines particularly concern us

because they necessitate the reassignment of personnel from handling -- and I don't want to say routine requests -- the requests from the majority coming in -- it necessitates re-assigning them on a special project.

I am sure you are aware, Your Honor, of one particular case where we had over half of our personnel assigned in the section.

THE COURT: I believe that that priority was given by the Attorney General, and not the court.

MR. POWERS: That was, but I am just pointing out that when we are trying to handle a special, you know, matter, if that were not a court deadline, we have some others, whether it be from that or a deadline -- without going into it, we have had a number of cases that have required some 20, 30 different -- up to 80 personnel -- but each one takes away from doing the regular work.

THE COURT: Well, I can see the problem and we are aware that it exists. We are aware that we have a big problem in the courts because when it gets to the appeal point that is when we have to go over all of those documents, also, in our so-called spare time, because we obviously can't do it when we are on the Bench.

But the problem exists and it is there and what we want to know is, first of all, from the backlog and the length of time that these things take, and the number of cases that are

presently filed, we believe that the Bureau should ask the Congress for a change in date, among other things, because the law still says ten days, and there doesn't seem to be any likelihood of meeting it.

We are faced with administering the law the way it is written. That is part of it.

The next thing is should some arrangement be made for processing cases that are in litigation? I don't mean simply the Freedom of Information part of it in litigation. I mean cases that are being requested for use in litigation and other matters.

For instance, this particular case, which involves the Cleavers, they have felt will actually be a part of their defense. The Court has no knowledge of that or anything about it, and doesn't intend to have it. The case is being tried in California and it is a state case, and so on.

But the question is should these documents that are needed -- allegedly needed for litigation purposes -- be given some kind of priority over the regular everyday request?

MR. POWERS: What we have attempted to do, as you are aware, Your Honor, is in order to be fair to everyone, we handle things in chronological order. We have it based on the date received. We have not deviated from that procedure.

THE COURT: Well, I think you see the problem. If the law says ten days and you are now processing September's requests, this now being the end of May, you are not exactly meeting the

terms of the law --

MR. POWERS: Right.

THE COURT: -- by however much that difference is.

The next thing is, I believe, the particular plaintiff in this case made its request in February for a trial which is scheduled for June, and at the rate the Bureau is processing, this case would be over and done, I expect, before they are reached.

So what is going to be necessary to do these things? Do you have any suggestions or would they come from one of the other persons better?

MR. POWERS: I believe Mr. McDermott has some specific thoughts on it.

THE COURT: Fine. Good. Is there anything else you would like to add?

MR. POWERS: No, nothing self-serving, really. I do appreciate -- I just trust that -- the point I do want to make is that the Bureau is pledged to do everything that we possibly can.

I know in what you have pointed out that being behind, it may seem incongruous, but we have made a substantial effort to comply with the Act, and still also respond to our legislative mandate of investigation.

Other than that, no.

THE COURT: Thank you very much. Do you have any questions?

MR. CORNELL: Yes, Your Honor.

CROSS-EXAMINATION

BY MR. CORNELL:

Q Have you made any requests for an increase in staff to assist you in processing the requests?

A Well, I believe I have covered that. We have gone from eight up to 195. We have received no funds. The FBI has received no funds for that.

Q To your knowledge has the FBI or the Department of Justice ever requested any additional funds from the Congress?

A I believe that, yes, that requests have been made. I believe it is going to be considered in '77. It is really outside of my realm of responsibility, but I believe it has.

I believe also that the Deputy Attorney General has made the dilemma known, that we are in, to appropriate officials in Congress.

Q Have you made any estimate as to when you would reach the request -- when you would process the request of Kathleen and Eldridge Cleaver?

A I can only go on the basis that we are, say, seven or eight months behind and if you were to add up from the date of receipt to that time, just add --

THE COURT: Well, I believe it is actually more than that if you are at the end of May and you said that this was September that you were processing now, or did I misunderstand you?

THE WITNESS: No, you are correct. We are into September -- end of September and beginning of October.

MR. CORNELL: No further questions.

THE COURT: Thank you.

MR. TITUS: Your Honor, may I make a short statement here?

THE COURT: Yes.

MR. TITUS: On two issues that he mentioned that maybe I could address from just a general point?

THE COURT: All right.

MR. TITUS: I will be very brief with this.

One was the question of need under the Information Act. I think that generally, as a broad litigative matter, that the Information Act is designed to make open the operations of the Government to public scrutiny in general, and not to permit the Government to operate behind closed doors, etc.

For this reason the law very specifically does not take into consideration at all the needs of the requester or weigh the needs of the requester to the Government except in certain limited circumstances.

I think that this distinguishes the case a lot where we talk about requesters such as the Cleavers, who need these matters or allege they need them for discovery, because they maybe do need them on shorter order. They maybe have a specific reason and these reasons are dealt with in criminal and civil discovery

statutes or frequently we run into it -- I don't know if you have any cases under the agencies like FTC or FCC, where they have administrative proceedings and their own discovery methods, yet the litigants before these bodies seek to use the Information Act and then expedition and stay the administrative proceedings, etc., and I think that these discovery areas deal perhaps more particularly where the court, as you pointed out, you could not assess the value here or the relevance or anything like that.

But the court in California more properly dealing with the criminal aspects of the case is in a better position to determine need, which, of course, is relevant in all of the discovery materials, and, therefore, you sort of have a trade-off. You have no need here and then you have a lot of requests for a general broad purpose.

But where you have a discovery purpose with a need and a need in timeliness, there are separate statutes covering that and always have been.

THE COURT: Well, there wouldn't be any problem if this were a Federal case in California, because they would make the request of the prosecution for anything that was exculpatory, and so on, and they would have to receive it, and I don't know what the situation is on the state prosecution.

MR. TITUS: My understanding is that they are fairly open and fairly progressive, and that there are a number of discovery methods available.

THE COURT: Well, I think what I am wondering is whether they actually have the information. You see, in the state prosecutor's office, they may not have the exculpatory, if such exists, matters that they are seeking. That is what I am thinking. And they would ask them to produce everything that they have and they might not have anything, because if there are any FBI reports they may not necessarily be available to the state prosecution.

MR. TITUS: They may not be dealt with documents, clearly, but --

THE COURT: That is what the problem is, I think -- part of the problem.

MR. TITUS: With that -- I just wanted to bring in a broad principle -- I would like to produce for the Court Thomas Henry Bresson.

Whereupon

THOMAS HENRY BRESSON

was called as a witness by the defendants and having been duly sworn was examined and testified as follows:

DIRECT EXAMINATION

MR. BRESSON: I am Special Agent Thomas H. Bresson. I presently serve as the assistant to Mr. Powers in the Freedom of Information Section of the FBI.

I was one of the eight original members of the staff back in the summer months of 1974, and, of course, have been in a position to see this problem grow with us over the past year

and a half.

In early May of 1975 we recognized the need to distinguish between our so-called routine requests that Mr. Powers referred to in that context, and our so-called Special Project requests, because we found that a number of the requests being made of the FBI for disclosure involved some very substantial and voluminous files.

Our requests included the Hiss and Rosenberg cases, of course, as well as requests for information the FBI maintained on Ku Klux Klan activities in the United States, the Communist Party of the United States, the John F. Kennedy assassination.

Other cases, as you can well know, involved the collection of numerous records, and we recognized the problem if we were to assign a case like this to one analyst, to be processed in a chronological basis with all other cases, that this one particular case would go on and on and on and that particular analyst would probably be involved in a career of handling the case.

We were also cognizant of the problem of treating a request on a basis of one analyst, one review, as compared to a case where the records were not so voluminous, because the result would be that they would suffer -- the person making a request for a very voluminous request would not have that request handled in nearly the time it would take to handle a request involving a short volume of records.

So our initial idea was to form a unit that would handle these voluminous-type requests with the idea that two or three cases would be assigned to each analyst and there would be partial disclosures made over a period of time.

This, we felt, would be fair, because we would be making some disclosure over a long period of time, admittedly, but there would be a flow of material from us to the requester.

The problem is that we have a volume of this type of requests as well, because our current project cases, total case count, is in the neighborhood of 280.

We now are actively processing 100 of these. 96 of them are in the category where we are dealing with the requester, usually by mail or in some cases by telephone, asking them to assist us by narrowing the request in some instances, or searching, of course, for the records, and getting the material together so that we will be able to process it as soon as it comes up in our scheme of handling.

We have 84 cases that are in our backlog, the Project unit backlog. Again, the criteria -- or I might say that the criteria for the determination as to whether a case is a Project case is right now on the basis of how many sections are there in the main investigative file. We are talking now in terms of fifteen sections or, roughly, two thousand or three thousand pages.

We are not making exceptions to the rule of chronological

handling except in those where litigation, a suit or a law suit, has required us to give it preferred attention.

I know, Your Honor, you are not interested in hearing all our problems.

THE COURT: I really want to hear what ought to be done about it. That is the only thing. I know the problems. I can tell you mine if you would like to hear them.

But I don't think that will accomplish much. What I want to know from you or from Mr. McDermott or from somebody is what are we to do about it.

MR. BRESSON: I would like to defer to Mr. McDermott.

THE COURT: All right.

MR. BRESSON: I know he is prepared to do that and, again, I would like to thank you for the opportunity to come and present some of our problems.

As Mr. Powers has stated, we are trying our best to make as much progress as we can and follow the law as best we can.

THE COURT: Thank you.

May we hear from Mr. McDermott?

Whereupon

JOHN J. McDERMOTT

was called as a witness by the defendants and having been duly sworn was examined and testified as follows:

DIRECT EXAMINATION

MR. McDERMOTT: First of all, Your Honor, I would like

to assure this court that Director Kelley and all the Bureau officials are most certainly fully committed to compliance with the spirit of the law, even though factors beyond our control at the present time make compliance with it rather elusive.

The Court might well ask what have we done to relieve the problem which has been described to you, and, of course, you have previously been aware of it.

I would like to briefly tell you what we in the Department have done.

I personally testified before the Government Information and Individual Rights Subcommittee of the House Committee on Government Operations, known as the Abzug Committee.

THE COURT: Mr. McDermott, we didn't get your full name to start with.

MR. McDERMOTT: I am sorry. John J. McDermott, Assistant Director of the Administrative Services Division of FBI Headquarters.

THE COURT: All right.

MR. McDERMOTT: As I was saying, I testified before the Abzug Committee on December 1, 1975, and outlined to the committee the difficulties that had been experienced by the FBI in connection with the administration of the Freedom of Information and Privacy Acts.

Deputy Assistant Attorney General, Mary Lawton, of the Department's Office of Legal Counsel, has testified on several

occasions, both before that and other committees concerning the difficulties experienced by all Executive Branch Agencies with the legislation.

Additionally, Deputy Attorney General Harold Tyler, in transmitting the required reports on the administration and operation of the Freedom of Information Act, for the calendar year 1975, to the Congress, on March 15, 1976, informed the House Subcommittee Chairwoman Abzug, and Senator Edward M. Kennedy, who is Chairman of the Subcommittee on Administrative Practices and Procedures of the Senate Committee on the Judiciary, that the Freedom of Information Act as enacted was simply not working well with reference to the extremely short time limits given the extremely high volume of records.

Now, I would like to point out to the Court some of the salient points that Judge Tyler made in his presentation to the Congress.

One of the provisions -- and I will quote largely from his letter -- one of the provisions in the Amendment to the Act that certainly has not worked out as anyone intended is the imposition of very short time limits for the processing of requests.

He said, I fully understand and accept the desire of Congress to demonstrate the importance it attached to the reasonably expeditious processing of requests for access to records.

In my opinion however, he said, any time limit that

does not take into consideration the number and complexity of the records within the scope of the individual requests, is both unrealistic and wholly unworkable.

He said there is no effective mechanism under the Freedom of Information Act for requiring a requester to cooperate with the Department in any attempt to aid us in locating records of particular interest with a minimum expenditure of our personal resources.

Even though, if I may digress, Your Honor, the statute requires that records sought should be reasonably described -- obviously, the requester is at a disadvantage, not having previously seen the records.

Under these circumstances, Mr. Tyler continued, once the flood of requests developed, it almost immediately became impossible to comply with the time limits in many of the components of the Department.

The unfulfilled expectations of the requesters were then reflected in innumerable letters, telephone calls, complaints to members of Congress, etc., responding to which served only to slow down even further the processing of the requests themselves.

The results of our inability to comply with the letter of the Act as to the time limits have been exacerbated by our efforts to comply fully with its spirit.

It is clear that the Department of Justice is in fact releasing a considerable quantity of technically-exempt material.

If I may digress at this point, Your Honor, from Judge Tyler's letter to the Congress, I would like to point out and I am sure the Court is aware, that the Privacy Act of 1974 permits an agency to exempt from disclosure investigative records compiled for law-enforcement purposes.

Now, believing that the Congress could not actually have intended the requester to receive less information than he could have received under the Freedom of Information Act, the Department of Justice issued a regulation which has promulgated this 28 CFR 16.57, which in effect permits the requester to receive, as a matter of Departmental discretion, all information he would have received under the Freedom of Information Act, were it not for the exemption permitted in the Privacy Act.

Now, the result of this regulation is to require the FBI and all other agencies, at least -- but at least certainly with the FBI, to process four and five times as many documents as would have been necessary without that regulation, inasmuch as fully ninety percent of the information sought by requesters is contained in our investigative records compiled for law-enforcement purposes, and which otherwise would have been exempt from disclosure.

Now, this is again, I think, one more instance clearly demonstrating the intent of the Department of Justice to comply with the will of the Congress in promoting maximum disclosure of record holdings, regardless of the administrative difficulties

which were clearly predictable.

Administrative relief, of course, could be found in the revocation of 16.57, but certainly this would run contra to the spirit of the Congress.

Returning to Mr. Tyler's letter to the Congress, he said, to be absolutely candid, it would be far easier for this Department to follow a practice of merely releasing that which is not exempt and withholding that which is.

He said there is one additional serious problem I desire to bring to your specific attention and, that is, the situation created by those cases in which we are sued before the administrative review process has been completed.

This unfortunate provision in the Act usually results in the individual who has sued receiving preferential consideration over the far greater number of other requesters and appellants who chose not to file suit.

Continuing, Judge Tyler said --

THE COURT: Excuse me. I want to hear you out, but, you see, we have a courtroom full of people. We are in the middle of a bank robbery trial.

MR. McDERMOTT: All right.

THE COURT: I really have to narrow this. I know the problems. I want to know the answers.

What can be done to get this thing working?

MR. McDERMOTT: May I invite the Court's attention to

something in which I believe the Court would be interested?

THE COURT: Yes.

MR. McDERMOTT: Congressman Maguire of New Jersey, who sits on the Abzug Committee, upon receipt of this and other information from the Department and the Bureau, has now introduced into Congress H.R. 12975, which would, among other things, permit an additional thirty days of processing time for each additional two hundred pages of documents to be processed, encompassed by the request.

I would suggest to the Court that that is a formula that certainly would reflect -- I would think at this point -- the sense, at least, of a responsible member of the committee which has passed upon the Freedom of Information and Privacy Act and studied the matter, and this is his suggestion that such a formula or yardstick be adopted in the form of amending legislation.

THE COURT: Well, as a practical matter, in these cases where there are literally thousands and thousands of pages, I can visualize that that would take ten or twenty years to get to the people.

Thinking of some that the Court has, I don't want to have them for ten or twenty years, because I don't expect to be here. I expect to be retired.

So I would like to move my cases a little faster than that, and I somehow feel very frustrated at the idea that that

is the answer. I don't think it is the answer.

MR. McDERMOTT: I think the thought --

THE COURT: I mean I think it would be a great relief to the FBI but as far as to any other source, I don't think it would be any relief at all to give them thirty days for every two hundred pages.

MR. McDERMOTT: If I may add, Your Honor, this is absent any special showing of a special need.

THE COURT: Oh, we have some arrangement for that?

MR. McDERMOTT: This is, I believe, what Judge Tyler has in mind in his presentation to the Congress.

THE COURT: What is the presentation to the Court that we can do?

We have a situation where these people say -- and as I say, I am not going into the merits of it, it isn't before me -- but the allegation is made, and I believe they can show some basis for it, that the Cleavers are being prosecuted, or at least Mr. Cleaver is being prosecuted by the State of California in June, and he claims that he has some mitigating circumstances or maybe it will show that he didn't really do what he is charged with, if he can get these FBI reports.

How does he do it, short of having it come next December, which is a little late, if he is already prosecuted?

MR. McDERMOTT: Your Honor, in this case it is my understanding that attorneys for the Department have already made a

substantial attempt to satisfy the Court that there is not known to be any exculpatory material in the FBI which would assist the plaintiffs in their action in California.

THE COURT: Well, the attorneys have themselves attempted to check the files and do what they can for a sampling, and, indeed, the Court is most appreciative of their efforts.

But it doesn't quite solve the problem that still exists. Really, on behalf of the FBI, I am afraid that that isn't going to be sufficient.

But I can see that the FBI is looking for some relief, and I can certainly see they need some.

Maybe the ten days is a time that can't be met and that that whole thing should be changed to at least thirty days -- but not thirty days for every two hundred pages.

When the Court has not only the Rosenberg papers, but the Agnew papers, and the Martin Luther King papers, and some twelve or fifteen others, I don't really look with very much hope on any such delays. It would be horrible.

Now, do you have a constructive thought that you think will get us out of this morass?

MR. McDERMOTT: Well, if the yardstick suggested by Congressman Maguire, in his proposed legislation, does not satisfy the Court --

THE COURT: It does not. Believe me, if that is all he says, it is a dreadful suggestion.

MR. McDERMOTT: I would suggest that the Court seek to find a happy middle ground between the statute which everybody recognizes that nobody can live with, administrative impossibility, and Mr. Maguire's position -- given; I hope the Court's recognition that in this case the Government certainly has exercised due diligence in attempting to comply.

THE COURT: Mr. McDermott, the Court didn't bring people from the FBI here to give them a lecture. We wanted to get some help. We want to know what could be done that would be helpful.

I appreciate your coming, but I am afraid we don't have much help. Thank you, sir.

Does somebody else have some ideas? Mr. Decker, perhaps?

Whereupon

ANDREW J. DECKER, JR.

was called as a witness by the defendants and having been duly sworn was examined and testified as follows:

DIRECT EXAMINATION

THE COURT: Will you give us your full name, please?

MR. DECKER: Andrew J. Decker. I am an Assistant Director of the Records Management Division of the FBI.

I would like to excuse my hoarseness this morning.

THE COURT: Mr. Decker, would you tell us what you think would be a nice constructive thing that we can do to get

ourselves out of this mess, short of having legislation that is going to postpone the whole thing?

MR. DECKER: I wish I had a magic word, Your Honor. I have been closely associated with the Freedom of Information Act for approximately two days.

I have been briefed, as you have this morning, on the problems involved.

THE COURT: I believe there were none new to me. I have heard them all before.

MR. DECKER: Well, many were new to me and many I had heard before.

I know that in our executives' conference, during the past two years, the Freedom of Information and Privacy Act have been matters of detailed discussions where we have been attempting to divert personnel from other essential work to this work.

THE COURT: How many people will it take to get it up to date?

MR. DECKER: I would have to give a ballpark figure, not being an expert, but being approximately seven months behind. I would say we would have to have a minimum of double the staff.

Very honestly, I don't know where we could get the trained personnel from and also meet our other mandated responsibilities.

Now, I have to agree with Mr. McDermott that the ten-

day rule is -- from my own limited experience and my own discussion with members of the staff -- unreasonable, as much as we try, and I --

THE COURT: I think as far as the Court knows, it has never been met so I don't really think that --

MR. DECKER: Well, it has not.

THE COURT: I don't think that is the problem. We know about this. The law should be changed as far as that is concerned.

It was the fact of talking about every two hundred pages for every thirty days that was absolutely bowling over the Court.

MR. DECKER: Perhaps there is a --

THE COURT: As I say --

MR. DECKER: -- compromise or a meeting ground that we could all live with.

THE COURT: Well, I am not really -- I want to see what can be done to alleviate the FBI's problems, but I don't want to alleviate them by simply giving them more time to do it all.

That is not the answer. The question is how do we get these special things out of the Department?

That is what is going to be necessary to be done and how do we go about doing it?

MR. DECKER: Well, again, in my curbstome opinion, it would have to be that there are going to be cases that will have

to be treated somewhat differently. However, we would prefer to handle these cases on a straight chronological basis, under the assumption that each American is entitled to the same service as every other American, and that when a man or woman submits a request under the Freedom of Information Act, he expects that his request is just as important as Mr. Cleaver's or anyone else's.

I have to agree under our form of Government that should be the way we should do that.

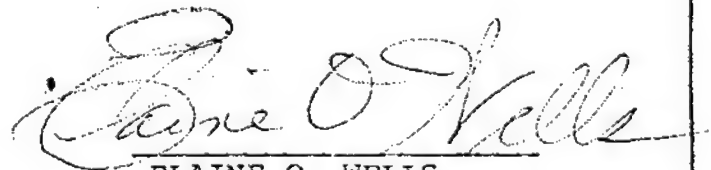
THE COURT: It would appear then that the answer is exactly where we started originally, Mr. Cornell, and, that is, it should be subpoenaed for that case, and that is the only way you are going to get them ahead of time -- a plain subpoena duces tecum to bring the records to your case in California is the only way.

That is where we started. That is where we end.

Thank you very much.

* * * * *

The foregoing is certified to be the official transcript of the proceedings indicated.



ELAINE O. WELLS
Official Court Reporter

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR FBI (100-447251)

FROM : SAC SAN FRANCISCO (88-12329) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER
EM
OO: San Francisco

DATE: 8/18/76

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/JCLR/PJ/EHL

Re San Francisco letter to the Bureau dated 6/15/76.

On 8/17/76, Alameda County Assistant District Attorney TOM ORLOFF confirmed that CLEAVER was released from the Alameda County Jail, Oakland, California, on 8/13/76. \$100,000 bail was posted by [redacted] a Philadelphia based conglomerate which controls four insurance companies. ORLOFF described [redacted] as a "Jesus freak" who may have come to CLEAVER's aid as a result of recent publicity indicating CLEAVER had been converted to Christianity in jail. ORLOFF further advised that the California State Adult Authority has cancelled their parole hold on CLEAVER and dismissed all parole violation charges against him which paved the way for CLEAVER's release on bail.

CLEAVER's new attorney of record is PATRICK HALLINAN, a San Francisco based attorney who, along with other members of his family, have represented radicals in the past. CLEAVER's next court hearing to set a trial date is scheduled for 8/23/76. ORLOFF advised that he expects the trial to start sometime in September 1976, and last from 6 - 9 weeks.

San Francisco will recontact CLEAVER when his whereabouts are determined to see if he is still available for interview at the conclusion of his trial.

EX-109

REC-33

100-447251-1372

AUG 20 1976

- ② - Bureau (RM)
- 2 - San Francisco
- AWB/sdc (S-2)
- (4) CCH077



SEP 7 1976

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR FBI (100-447251)

DATE: 8/23/76

FROM : SAC SAN FRANCISCO (88-12329) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER
EM
OO: San Francisco

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

Re San Francisco letter dated 8/18/76.

Captioned Subject appeared before Judge ALAN A. LINDSAY, Alameda County Superior Court, Department 11, Oakland, California, with his Attorney, PATRICK HALLINAN, on 8/23/76. Appearance was to set a trial date. Hearing for setting trial date was continued until 9/30/76, at 10:30 A.M. before Judge LINDSAY. Judge LINDSAY is thinking of late November or early December to start trial.

Judge LINDSAY imposed "Press Gag" order on all concerned with CLEAVER trial. HALLINAN objected strenuously stating the gag was a violation of rights guaranteed under the First Amendment of the U.S. Constitution to himself and CLEAVER as American citizens. Judge LINDSAY overruled the objection and imposed the "Press Gag" order.

Local press still covering CLEAVER's public appearance. Alameda County Assistant District Attorney TOM ORLOFF advised CLEAVER is to appear on Face The Nation television program on 8/29/76. *lh*

San Francisco will continue to keep the Bureau advised of developments regarding CLEAVER. Bureau should note CLEAVER has not established a local address yet.

EX-113

REC-52

100-447251-1373

AUG 25 1976

FILE

2 - Bureau (RM)
2 - San Francisco
AWB/sdc (S-2)
(4) *438*



CC 4077

5070-110

1976. Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

DECLASSIFIED BY 60322/JCLR/PJ/EHL
ON 10-15-2008

1 - [redacted]
1 - [redacted]
1 - [redacted]

9/7/76

SAC, San Francisco

1 - V.R. Thornton

Director, FBI

DOMESTIC SECURITY INVESTIGATIONS

~~CONFIDENTIAL~~

A review has been made of pending domestic security cases, for your office at FBIHQ, in line with instructions contained in Bureau airtel to Albany 8/30/76 captioned as above.

In the following investigations there is insufficient information to justify continued investigation:

[redacted]

SF 157-10969
SF 157-11896

Leroy Eldridge Cleaver

[redacted]

SF 88-12329
SF 157-6272
SF 157-6778
SF 157-11877
SF 157-11759
SF 157-11826

SF 157-6690
SF 157-11883
SF 157-11831

Should you possess information which would indicate investigation of any of the above named individuals should continue, same should be furnished to FBIHQ, along with recommendations concerning further investigation. Otherwise, your files should be closed.

Sufficient copies of this letter may be reproduced for your file on the individuals listed above.

VRT:cjb
(20)

- 1 - Bufile 157-19256
- 1 - Bufile 157-34910
- 1 - Bufile 157-34896
- 1 - Bufile 100-447251 (Leroy Eldridge Cleaver)
- 1 - Bufile 157-9446
- 1 - Bufile 157-34844
- 1 - Bufile 157-34871
- 1 - Bufile 157-15120
- 1 - Bufile 157-34832
- 1 - Bufile 157-34914
- 1 - Bufile 157-27097
- 1 - Bufile 100-486122
- 1 - Bufile 157-34726

~~CONFIDENTIAL~~

100-447251-

SEP 10 1976

DUPLICATE YELLOW

ORIGINAL FILED IN 62-116451-101

1-30-79
CLASS. & EXT. BY 2842 PVP/BA
REASON-FCIM II, 1-2.4.2
DATE OF REVIEW 9/2/96

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL September 8, 1976

b6
b7C

REC-64

100-447251-1375

Honorable Don H. Clausen
House of Representatives
Washington, D. C. 20515

Dear Congressman Clausen:

Your communication of August 30th enclosing a copy
of a letter from [redacted] Santa Rosa, Cali-
fornia, has been received.

While we appreciate the interest prompting them to
write, the FBI is unable to be of assistance in connection
with their request. I am returning your enclosure as you
requested.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

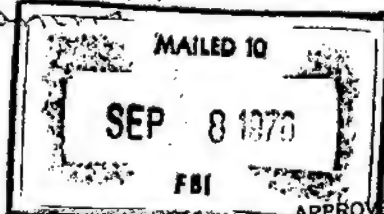
Enclosure

- 1 - San Francisco - Enclosures (2)
- 1 - Office of Congressional Affairs (2)

NOTE: [redacted] are not identifiable in Bufiles.

MHB:amm (7)

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgnt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____



APPROVED:

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Serv. _____

Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____

Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgnt. _____
Spec. Inv. _____
Training _____

56 OCT 4 1976 TELETYPE UNIT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

HOUSE OF REPRESENTATIVES, U.S.
WASHINGTON, D. C.

..... August 30,, 1976

Federal Bureau of Investigation
Congressional Liaison
Washington, D.C.

The attached communication is sub-
mitted for your consideration, and to ask
that the request made therein be complied
with, if possible.

If you will advise me of your action in
this matter and have the letter returned to
me with your reply, I will appreciate it.

Very truly yours,

[Signature]
DON H. CLAUSEN

M.C.

2nd, California

..... District.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. 2/19/76
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgnt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

FBI/DOJ

b6
b7C

1-12

REC-64

DE-12

V-23

100-447251-1375

15
22 SEP 1 1976

CORRESPONDENCE

ack
9/8/76

ENCLOSURE

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-15-2003 BY 60322/JCLRP/PJ/EHL

Last night my wife and I
heard Eldridge Cleaver in an
interview on T.V. The horrible
experiences he went through in
the Communist countries. Should
be heard and read by as many
people as possible. What can be
done by the Federal gov. to make
him available? He needs bond
money. Its a great opportunity.

b6
b7C

original
returned to
Hon. Cleaver

100-447251-113
ENCLOSURE

FBI

~~CONFIDENTIAL~~

Date: 11/24/76

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (100-447251)
 FROM: LEGAT, LONDON (157-120) (P)

LEROY ELDRIDGE CLEAVER
 I.O. NR. 4239, WANTED
 FLYER NR. 447;
 RM-BPP; UFAC-ASSAULT WITH
 INTENT TO COMMIT MURDER
 (OO: SF)

EXEMPTED FROM AUTOMATIC
 DECLASSIFICATION
 AUTHORITY DERIVED FROM:
 FBI AUTOMATIC DECLASSIFICATION GUIDE
 EXEMPTION CODE 25X(6)
 DATE 10-15-2008

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE

Based on previous inquiries made by Legat, London

has now inquired as to subject's current status in the U.S.,
 it being noted that subject was arrested at Kennedy Inter-
 national Airport on 11/18/75.

LEADSAN FRANCISCO OFFICE

Is requested to advise in form suitable for dissem-
 ination to _____

5 - Bureau
 (1 - Foreign Liaison Unit)
 (2 - San Francisco) (88-12329)

1 - London

DRD:1km

(6)

2ccat to SF, 12/1/76, 12/1/76
 1ccat to FBI, 12/1/76, 12/1/76
 1ccat to SF, 12/1/76, 12/1/76

Classified by 5812
 Exempt from GDS Category 1
 Date of Declassification Indefinite

DEC 8 1976
 CONFIDENTIAL

REC-2

100-447251-1376

3 DEC 7 1976

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247
 DEC 16 1976
 Special Agent in Charge

Sent _____ M Per _____

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (100-447251)

DATE: 12/16/76

FROM : SAC, SAN FRANCISCO (88-12329) (C)

SUBJECT: LEROY ELDRIDGE CLEAVER
I.O. NR. 4239, WANTED
FLYER NR. 447;
RM - BPP; UFAC - ASSAULT
WITH INTENT TO COMMIT MURDER

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

OO: SF

Re Legat, London airtel, 11/24/76.

Enclosed for the Bureau and Legat, London are 10
copies of an LHM concerning the current status of CLEAVER.

REC-5

EX-105
100-447251-1377

DEC 21 1976

ENCLOSURE

4-Bureau (Enc. 10) (RM)
(2-Legat, London)
1-San Francisco

KFM:kah
(5)



5010-108

JAN

5 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to
File No.*

San Francisco, California

December 16, 1976

LEROY ELDRIDGE CLEAVER

Eldridge Cleaver has been charged with six counts of attempted murder and assault on police officers and is free on \$100,000 bail. He is currently in San Francisco, California.

Cleaver's trial date of January 24, 1977, will probably be continued because of a defense motion for disclosure by several Federal agencies of electronic surveillance information regarding Cleaver.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

1*

ENCLOSURE

100-4-7251-1377

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UOLRP/PJ/EHL

Assistant Attorney General
Civil Division
Attn: Bruce E. Titus

December 30, 1976

Assistant Director - Legal Counsel
Federal Bureau of Investigation

1 - Mr. Decker
Attn: Mr. Underwood
1 - Mr. Mintz
1 - Mr. Moschella

DO
ELDRIDGE AND KATHLEEN CLEAVER v.
CLARENCE M. KELLEY, et al.

(U.S.D.C., D.C.)

CIVIL ACTION NO. 795-76

FEDERAL GOVERNMENT

This is to confirm transmittal of the original and five copies of an affidavit of Special Agent Frank Underwood, III on December 29, 1976, pursuant to the request of Departmental Attorney Bruce E. Titus. I understand this affidavit is being used in connection with the Court Order dated December 22, 1976, which required expedited processing of plaintiff's request by January 12, 1977.

EPM:lso

(6)

NOTE:

Affidavit prepared at request of Departmental Attorney Bruce E. Titus to complete a report to the Court in connection with the Court's Order of December 22, 1976. Mr. Titus had requested that the affidavit be prepared in form suitable for filing no later than the afternoon of December 29, 1976. A rough draft copy was presented to Mr. Titus in the early afternoon of that date and suggested changes were made later that same day. This affidavit was coordinated with the FOIPA Branch, Records Management Division.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgnt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director's Sec'y _____

MAILED 10
DEC 30 1976
FBI

APPROVED: _____
Director _____
Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

REC-33
Adm. Serv. _____
Ext. Affairs _____
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Gen. Inv. _____
Ident. _____
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Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
S. & T. Serv. _____
Spec. Inv. _____
Training _____

1/6 JAN 4 1977

MAIL ROOM

TELETYPE UNIT

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELDRIDGE AND KATHLEEN CLEAVER,

Plaintiffs

v.

Civil Action No.
76-795

CLARENCE M. KELLEY, et al,

Defendants

AFFIDAVIT

I, Frank Underwood III, being duly sworn, depose
and say as follows:

(1) I am a Special Agent of the Federal Bureau
of Investigation (FBI), assigned in a supervisory capacity
in the Freedom of Information-Privacy Acts (FOIPA) Branch
of the Records Management Division of the FBI. I am personally
familiar with plaintiffs' request and am supervising the
processing thereof.


(2) Pursuant to the Court's order of December 22,
1976, requiring the processing of plaintiffs' request
"as narrowed," I caused to be retrieved all main files
concerning Leroy Eldridge Cleaver, Kathleen Cleaver, and
the Black Panther Party as reflected by a search of the
Central Records System. From that material I caused to
be segregated those sections of files containing serials
or documents dated between August 1, 1967 through April 30,
1968.

(3) On Page 5, of the Affidavit of Eric C.
Williams dated May 19, 1976, the distinction between project
and non-project requests was discussed and the Court was
advised that plaintiffs' request as it existed at that
time was determined to be of sufficient magnitude as to
classify it as a project request. The FBI has administratively

designated requests encompassing 15 sections or more as being a project request. However, as a result of the court order and the resultant aforementioned file review, it has now been determined that approximately 10 sections of material contain documents dated between August 1, 1967 through April 30, 1968.

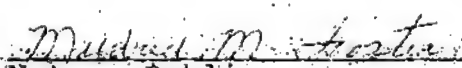
(4) Although we have commenced processing of project requests received in October, 1975, we are currently processing non-project requests received in March, 1976. Inasmuch as plaintiffs' request was received in March, 1976, and fewer than 15 sections of material fall within the narrowed request as stated above, it is being treated as a non-project request and processing has commenced in accordance with the regular FBI procedures regarding assignment of non-project requests for Freedom of Information Act (FOIA) processing.

(5) All information contained in the above designated sections will be processed pursuant to the FOIA on or before January 12, 1977.


FRANK UNDERWOOD III
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and Sworn to before me this 28th day of

December, 1976.


Notary Public

My Commission expires March 11, 1981

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

OPEN AMERICA, et al.,

Plaintiffs-Appellees,

v.

WATERGATE SPECIAL PROSECUTION
FORCE, at al.,

Defendants-Appellants.

No. 76-1371

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UOLRP/PJ/EHL

SUPPLEMENTAL MEMORANDUM FOR
THE GOVERNMENT APPELLANTS

At the conclusion of the oral argument on April 27, 1976, the Court requested that we file a supplemental memorandum indicating what steps the Federal Bureau of Investigation (FBI) has taken thus far to process Open America's request, what projection can be made as to the time required for completion of processing the request, and what approximate time will be consumed thereafter in the processing of an appeal to the Freedom of Information Act Unit of the Deputy Attorney General's Office. Additionally, the Court requested to be advised of the circumstances which had justified "preferential handling" of appeals in "rare instances" as referenced in the Affidavit of Quinlan J. Shea, Jr., Chief of the FOIA Appelas Unit (Affidavit, para. 10). This memorandum is submitted in response to that request.

1. The FBI's Processing of Open America's Request

Before considering the present status of the processing of Open America's request, it may be helpful for us to give

ATTACHMENT A

the Court some idea of how FOIA requests are generally processed by the FBI. Upon receipt of a request in which, as here, the subject is reasonably identifiable, the search for relevant materials begins with the FBI's Central Records System. The indices to this system contain approximately 58 million index cards arranged in alphabetical order by subject and names of individuals. The index cards fall into two categories: "main" index cards and "see" (short for "see references or cross-references") index cards. A "main" card carries the name of an individual, organization or activity which is the principal subject of a file contained in the central records system. A "see" card bears the name of a person, organization or activity which is referred to in, but is not the main subject of a file. Both "main" cards and "see" cards are utilized by the FBI in responding to FOIA requests. Additionally, an examination of the referenced files often reveals that pertinent information may be located in still other files which the indices have not disclosed, just as "Shepardizing" legal decisions often turns up decisions which have not been indicated in the locator.

After all the seemingly relevant files have been located and scanned preliminarily, the task of processing the records for disclosure as appropriate under the Freedom of Information Act begins. This task commences with the photographic reproduction of entire file sections to provide working copies which may be marked for deletions or exemptions as necessary. From an initial working copy two additional copies are made, one for the requester and one for the FBI's own administrative control.

The next step is a line by line reading of the files with constant attention to potentially exempt matters which may involve, among other things, confidential sources, privacy of individuals, classified data,^{1/} and inter-agency or intra-agency memoranda. Thereafter, a determination will be made as to the release of any disclosable portion of the document. This review is carried out under the supervision of Special Agent attorneys. However, the material is t subject to review at several successively higher executive levels culminating in the rendering of a decision over Director's signature. The objective of the successive is to assure that no material to which the requester is entitled will be erroneously withheld and, conversely, that no material which should be withheld is inadvertently released.

As a refinement of the above described procedures "big" requests are separated from "little" requests for convenient handling under a system in which all requests are classified as either "project requests" or "non-project requests". Project requests involve records which by their voluminous nature may be expected to require considerable review time. Many such requests now being handled by the "Project Unit" of the FBI's Freedom of Information Section involve records sought by persons who are either conducting extensive research projects or planning to publish books. All necessitate the

^{1/} Classified data is further reviewed by Special Agents with expertise in the substantive area to which the document relates to determine whether it has been properly classified.

handling of thousands of pages of documentary materials. Open America's request has been classified as a "project request".

The "Project Unit" to which we have referred above consists of five teams, each headed by a supervisory Special Agent. Each team includes five Research Analysts and at least two Research Clerks. There are currently 220 project cases assigned to the Unit. Of these 139 are currently in various stages of processing, 25 are in the administrative appeal stage, 13 are in litigation.

As we have indicated in our previously filed papers, the FBI now has 191 employees at FBI Headquarters assigned solely to the processing of FOIA requests (Howard Affidavit, para. 6). At the time Open America's request was received the FBI had a total backlog of 5,137 requests (Letter of FBI Director Kelley). While not all of those requests will necessarily be processed prior to Open America's request because of the two track (i.e., project and non-project) system, the number of persons which can be assigned to the project unit is affected by the backlog of non-project requests. An effort is made to balance personnel assigned to the project and non-project units so that the handling of both types of requests will move at approximately the same pace.

However, the problem of apportioning personnel so as to achieve this equitable result is compounded by the cases expedited under court orders. For example, in the suit

instituted by Michael Meeropol, son of Julius and Ethel Rosenberg, for the documents relating to his parents' trial (D.D.C. Civil Action No. 75-1121), the court on August 27, 1975 ordered the Department of Justice to process all the materials sought by November 15, 1975. In order to comply with the court's order 65 full-time and 21 part-time employees were assigned solely to this case. This number represented over one third of the personnel then assigned to the FOIA Section and required the diversion of some employees from non-project work to the Project Unit. Also, in the case of Michael Lee Fellner v. U. S. Department of Justice (W.D. Wisc., Civil Action No. 75-C-430), which involves the request of an independent newspaper editor for materials relating to the actions of numerous individuals and dissident groups from 1966 to date, the court on December 17, 1975, ordered the FBI to review a minimum of 4,000 pages per month until the request was processed. In order to comply with the court's order the FBI has assigned three Research Analysts and three Research Assistants to work full-time on Mr. Fellner's request.^{2/}

^{2/} As was developed at the oral argument, Mr. Fellner's request is being processed piecemeal pursuant to the court's order, although the FBI's normal procedure is to locate all relevant documents and to complete processing before any materials are disclosed to the requester. The Fellner request lends itself more readily to piecemeal disclosure than would Open America's request because it involves 25 individuals, 9 organizations, and 6 events, which can to some extent be researched separately. However, even here the FBI has found the piecemeal operation unsatisfactory because authorizations for the release of information pertaining to the 25 third parties have been received sporadically (continued on next page)

As we indicated above, Open America's request is being handled as a "project" request. The team to which it has been assigned, headed by Special Agent Howard, is in various stages of processing 33 other project requests all of which were received prior to Open America's request. As Mr. Howard's affidavit states, in February 1976 a search was begun to locate records pertinent to the request and some pertinent materials have been retrieved (Affidavit, para. 4). While initial searches of the Central Records System retrieved only a limited number of documents possibly identifiable with the request, as a page by page examination of those documents was carried out the analyst continually found references to material in other files which had to be located and examined for relevancy. The reason that these materials are not retrievable by the index system is that the name of L. Patrick Gray is not indexed in connection with documents filed while he served as Acting Director of the Bureau. If it were otherwise, his name would appear on virtually all matters handled during his tenure.

2/ (continued) from Mr. Fellner. This has presented a special problem for the analyst because files which have been once reviewed and have had names deleted have had to be re-reviewed so that those names can be restored consistent with subsequently received authorizations. Similar problems would of course be encountered wherever policy changes in connection with claimed exemptions occurred in the course of reviewing a given file.

We continue to believe that in the long run it is in the interest of both the FBI and the requester to process and disclose all relevant documents, subject of course to claimed exemptions, at one time.

In all the FBI has now located roughly in excess of 38,000 pages which Special Agent Howard feels should be carefully reviewed. As of the filing of this memorandum a little over half of the job has been done. A total of 45 files has been located which include 9800 pages directly relevant to the Watergate investigation and Mr. Gray's confirmation hearings. The FBI is continuing the processing of the request and is willing to advise the plaintiff and this Court on an interim basis of the progress being made. Based upon the current workload of the Freedom of Information Act Section and the demands of pending court orders, the FBI estimates that review of the documents will be completed in approximately three months, or by about the first of August, 1976.

2. The Department of Justice's FOIA Appeals Unit's Role in the Processing of Open America's Request

As is stated in the Affidavit of Quinlan J. Shea, Jr., Chief of the FOIA Appeals Unit, at the time Open America appealed from the FBI's failure to comply with its request within the statutory time limits prescribed by the Freedom of Information Act Amendments the appeal was assigned number 1,155A based on its time of receipt (Affidavit, para. 12). Open America was advised at that time:

Although the Act authorizes you to treat the failure of the Bureau to act on your request within the specified time limit as a denial thereof, this Office, because it lacks the personnel resources to conduct the comprehensive record reviews that are necessary to make initial access determinations on requests for F.B.I. records, cannot act until there

has been an initial determination by Director Kelley. Our function is limited to the review of those records to which access is in fact denied. Your appeal will be assigned in turn and held in abeyance until such time as the Bureau makes its initial determination. This Office will, however, monitor the processing of your request and will notify you of the decision of the Deputy Attorney General on your appeal as soon as we are able to do so. 3/

The Freedom of Information Act Unit has advised us that the priority assigned Open America at the time of that appeal, as indicated by the number 1,155A, will thereafter be accorded to any subsequent appeal filed by the plaintiffs from exemptions claimed by the FBI upon the FBI's completion of its review. The FOIA Unit estimates that this number will be reached within approximately three months, at approximately the same time that the FBI contemplates that its review will be completed--i.e., in early August, 1976. The time that will be required thereafter for the processing of the appeal will depend, of course, upon the number of pages which the FBI has withheld and the complexity of the exemptions claimed. However, the FOIA Unit is reasonably confident that the outside limit of time required for its review would be 120 days. Thus the best estimate of the Department of Justice as of this date is that the processing of Open America's request will be completed both by the FBI and by the FOIA Appeals Unit within six months.

3/ See attached letter from Quinlan J. Shea to Mr. John F. Banzhaf (Attachment "A") dated March 18, 1976.

An examination of the FOIA Unit's records has revealed only three cases out of some 900 cases closed to date which have been accorded "preferential handling" by being processed out of their normal chronological sequence. All three cases have involved information needed in connection with pending litigation where time was of the essence.

The first case involved a request for information by an accounting firm needed to defend itself in a civil suit brought by a contractor. The Department of Justice had previously investigated the contractor and his dealings with government contracting officials, and had initiated False Claims Act and criminal charges which were dropped without prosecution. The FOIA Unit was persuaded that the accounting firm's need for the documents was genuine, and the firm was willing to sharply curtail its request so as to limit it to a few documents which could be readily identified. On this basis expedition of the appeal was approved and the documents were released.

The second case also involved imminent private litigation. The requester claimed that the opposing party to the suit had maliciously alleged to the FBI that he (the requester) had fraudulently concealed assets in the course of obtaining a discharge in bankruptcy. Again the situation was such that if the Department's decision was to be of any assistance to the requester time was of the essence. Accordingly, the handling of the appeal was expedited. However, the appeal was adjudicated adversely to the requester on the merits.

The third case has been assigned for expedited processing but has not yet been finally reviewed. The appeal was filed by a member of Congress in the interest of his constituents.^{4/} The request relates to a document affecting title to thousands of acres of land involved in civil litigation in which the protagonists are farmers living on the land on the one hand and an Indian tribe claiming entitlement to it on the other. The Congressman advised the Department through his staff members that tempers in the community were getting short, and that he wished to assume an affirmative role in quieting the dispute in the interest of avoiding possible bloodshed. He believed that access to the document in question would assist him in his conciliatory efforts. Expedition of the administrative appeal was approved on the basis of these representations.

There have been numerous other requests for preferential handling. However, to the knowledge or recollection of the persons handling FOIA Appeals, these have been the only appeals processed on an expedited basis. Deputy Attorney General Tyler has thus almost invariably insisted upon strict adherence to the "first-in first-assigned" procedure for the processing of FOIA requests both initially and on appeal

^{4/} Requests and appeals filed by members of Congress seeking records pertaining to themselves are regarded as having been filed by private citizens and are not given expedited consideration.

which is described with particularity in his Report to Congress cited by counsel at oral argument.^{5/}

Respectfully submitted,

Leonard Schaitman

LEONARD SCHAITMAN (202) 739-3321

Eloise E. Davies

ELOISE E. DAVIES (202) 739-3425
Attorneys, Appellate Section,
Civil Division,
Department of Justice,
Washington, D.C. 20530.

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May, 1976, I served the foregoing supplemental memorandum and the attached attachments upon counsel for the plaintiffs-appellees by causing a copy to be hand delivered, to:

Alan B. Morrison, Esquire
2000 "P" Street, N.W.
Suite 700
Washington, D.C. 20036

Eloise E. Davies

ELOISE E. DAVIES
Attorney.

^{5/} A copy of the Report, which has not previously been furnished the Court, is attached hereto for the Court's convenience (Attachment "B").

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELDRIDGE AND KATHLEEN CLEAVER,

Plaintiffs,

v.

CLARENCE M. KELLEY, et al.,

Defendants.

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

Civil Action No. 76-795

ORDER

This matter having come before the Court on defendants' Motion to Supplement and plaintiffs' proposed Findings, Conclusions and Order, and the Court being advised in the premises and having concluded that defendants' motion is well taken, it is this _____ day of December, 1976,

ORDERED that defendants' Motion to Supplement be, and hereby is, granted; and it is

FURTHER ORDERED that the judgment for defendants be, and hereby is, reinstated based upon the Findings of Fact and Conclusion of Law appended hereto together with the Opinion of the Court reported at 415 F. Supp. 174.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELDRIDGE AND KATHLEEN CLEAVER,

Plaintiffs,

v.

Civil Action No. 76-795

CLARENCE M. KELLEY, et al.,

Defendants.

ALL INFORMATION CONTAINED
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DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

FINDINGS OF FACT AND
CONCLUSIONS OF LAW.

Pursuant to the Order and Memorandum of the Court of Appeals for the District of Columbia Circuit dated November 23, 1976, this Court makes the following Findings of Fact and Conclusion of Law which are intended to supplement its Opinion and Judgment entered May 27, 1976 (415 F. Supp. 174).

Findings of Fact

1. The only "exceptional need or urgency" which plaintiffs assert justifies putting appellants' request ahead of all other requests received prior thereto is the assertion that the trial of Mr. Cleaver on criminal charges in the state of California is now set for January 24, 1977.
2. The scope of records which must be searched to determine whether the records plaintiffs seek exist is extraordinarily voluminous.
3. Plaintiffs have been unwilling to narrow the scope of the search referred to in paragraph 2, above, thereby reducing the burden their request places upon the defendants and mitigating the delay, inconvenience and injury the expediting of their request will cause other requestors whose request was received prior to plaintiffs.

4. All of the evidence adduced in the record, including the Congressional reports submitted by plaintiffs and the sampling conducted by defendants' counsel, tend to indicate that it is unlikely that the records plaintiffs seek even exist.

5. An asserted need for records for use as discovery in a discrete criminal or civil proceeding, standing alone, does not justify placing a Freedom of Information Act request ahead of all other requests received prior thereto.

6. Plaintiffs herein have not established circumstances which would justify placing their request ahead of all other requests received prior thereto.

Conclusions of Law

1. For the foregoing reasons, the judgment entered by this Court on May 27, 1976 is hereby reinstated.

UNITED STATES DISTRICT JUDGE

ALL INFORMATION CONTAINED
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DATE 10-15-2009 BY 60322/JCLR/PJ/EHL

January 7, 1977

(BY MESSENGER)

FEDERAL GOVERNMENT

Robert Cornell, Esquire
Wald, Harkrader & Ross
910 Seventeenth Street, N.W.
Washington, D.C. 20006

OFFICE SOURCE

Re: Eldridge and Kathleen Cleaver v. Clarence
M. Kelley, et al., U.S.D.C. D. District of
Columbia, Civil Action No. 76-0795.

Dear Mr. Cornell:

This will respond to your letter of January 5, 1977.

The position of the defendants with respect to any of the issues involved in this litigation is fully set forth in the pleadings, affidavits, and legal memoranda which have been filed with the Court in their behalf. To the extent that your January 5, 1977 letter characterizes my statements to you in our telephone conversation of January 4, 1977 as inconsistent with the position expressed in the above-mentioned documents, that characterization is erroneous. The defendants' position, as noted above, is fully and accurately set forth in their pleadings. Those documents should be consulted concerning that position.

The views expressed in your January 5, 1977 letter as to the appropriate scope of the search required by the Court's Order of December 22, 1976 is considerably broader than that Order's view of the scope of your clients narrowed request. Indeed, your letter expresses a desire to expand the scope of your client's request beyond its original ambit.

Nonetheless, as an accommodation to your client, the defendants will, in addition to the search described in the affidavit of Special Agent Frank Underwood, Attachment A to the Report to the Court filed on December 28, 1976, search the correlation of "see" reference summaries on Eldridge and Kathleen Cleaver prepared in 1969 and consider for possible release the pages indexed in the correlation.

6 JAN 13 1977

JAN 14 1977

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The indices for F.B.I. files fall into two categories: "main index cards" and "see" (short for "see" reference or cross-reference") index cards. A "main" card carries the name of the individual, organization, activity, or the like, which is the main subject of a file contained in the system. A "see" card bears the name of an individual, organization, activity, or the like, which is referred to in a file maintained in the Bureau's system. The correlation of "see" summaries are summaries of "see" reference index cards and are prepared at periodic intervals. Thus, the "see" reference summaries prepared on Eldridge and Kathleen Cleaver in 1969 would be a compilation of those "see" references maintained on them prior to that time.

We are confident that these additional accommodations to your client will meet with your satisfaction.

Very truly yours,

Bruce E. Titus, Deputy Chief
Information and Privacy Section
Civil Division

Jan 12, 1977

Robert B. Cornell, Esq.
Wald, Harkrader, and Ross
910 Seventeenth Street, N. W.
Washington, D. C. 20006

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

Dear Mr. Cornell:

OUTSIDE & [redacted]

This letter is to confirm our understanding of arrangements made by our counsel, Mr. Bruce E. Titus, Deputy Chief, Information and Privacy Unit, Civil Division, Department of Justice, concerning delivery on January 12, 1977, of processed documents from FBI files to you on behalf of your clients Leroy Eldridge Cleaver and Kathleen Cleaver pursuant to the Freedom of Information Act. Mr. Titus has advised us that he will insure delivery to you of the processed documents, consisting of 1,336 pages and that the duplication costs thereof, at ten cents a page, totalling \$133.60, will be paid by you by check or money order made payable to the Federal Bureau of Investigation.

Excisions have been made from the above mentioned documents and other documents have been [redacted] their entirety in an effort to protect information from disclosure by the following subsection of the United States Code, Section 552:

(b)(1) information which is [redacted] properly classified pursuant to Executive Order 11652 in the interest of national defense or foreign [redacted]

(b)(2) materials related solely to the internal rules and practices of the FBI

(b)(7) investigatory records compiled for law enforcement purposes, the disclosure of which would:

(C) constitute an unwarranted invasion of the personal privacy of another person

715613

SF FIELD OFFICE

ST. 114 REC 67

100-447251-1380

Per [redacted]
SF, 1/11/77
Clemens [redacted]
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Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgnt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

1 - Assistant Attorney General, Civil Division
Attention: Mr. Bruce E. Titus

1 - SAC, SAN FRANCISCO (Attention: SA [redacted])

8 JAN 17 1977

SEE NOTE, SAC, SF
PAGE 2

SEE NOTE PAGE 2 ne

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Robert B. Cornell

- (D) reveal the identity of an individual who has furnished information to the FBI under confidential circumstances or reveal information furnished only by such a person and not apparently known to the public or otherwise accessible to the FBI by overt means
- (E) disclose investigative techniques and procedures, thereby impairing their future effectiveness
- (F) endanger the life or physical safety of law enforcement personnel

Although we are fully aware of the pending litigation in the United States District Court for the District of Columbia, the law requires us to advise that you have thirty days from receipt of this letter to appeal to the Attorney General from any denial pertaining hereto. Appeals should be directed in writing to the Attorney General (Attention: Freedom of Information Appeals Unit), Washington, D. C. 20530. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal."

Sincerely yours,

Clarence M. Kelley
Director

NOTE FOR SAC, SAN FRANCISCO (Attention: SA []): Enclosed herewith for your information is one copy each of the documents as released 1/12/77 to U.S. District Court, WDC, and plaintiffs' attorney in this FOIA matter.

NOTE: Abovementioned arrangements made between Department of Justice and plaintiffs' attorney for delivery of Bureau release in this matter were relayed to [], Legal Counsel Div., by Mr. Titus 1/11/77. This letter, together with the released documents accompanying Affidavit of SA Frank Underwood, III, dated 1/12/77, will be hand carried to Mr. Titus 1/12/77 for delivery to plaintiffs' attorney.

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FEDERAL BUREAU OF INVESTIGATION
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SELMA M. LEVINE (1924-1975)

OF COUNSEL
PHILIP ELMAN
CHARLES FABRIKANT

OUTSIDE SOURCE

January 18, 1977

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DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

Mr. Clarence M. Kelley
Director
United States Department of Justice
Federal Bureau of Investigation
Washington, D.C. 20535

Re: Eldridge and Kathleen Cleaver v.
Clarence M. Kelley, et al.,
Civil Action No. 76-0795

Dear Director Kelley:

In your letter of January 12, 1977, you note \$133.60 in duplication costs for processing 1,336 pages of plaintiffs' Freedom of Information Act Request. Accordingly, I enclose a check for that amount made payable to the Federal Bureau of Investigation.

Sincerely yours,

Robert B. Cornell

Robert B. Cornell

REC-49

RBC:mp

cc: Bruce E. Titus, Esquire
Joseph Guerrieri, Esquire

100-447251-1382
EX-109

JAN 19 1977

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ENCLOSURE

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EX-109

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELDRIDGE AND KATHLEEN CLEAVER,)

Plaintiffs,)

v.)

Civil Action No. 76-0795

CLARENCE M. KELLEY, et al.,)

Defendants.)

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DATE 10-15-2008 BY 60322/JCLRP/PJ/EHL

PRAECIPE

The Clerk will kindly note that the firms of Truitt, Fabrikant, Bucklin & Lenzner and Wald, Harkrader & Ross have joined in the practice of law under the name of Wald, Harkrader & Ross. Until our office facilities are consolidated, counsel may be reached at the same address and telephone number noted on previous pleadings.

Respectfully submitted,

Terry F. Lenzner
Terry F. Lenzner

Robert B. Cornell
Robert B. Cornell

Wald, Harkrader & Ross
910 Seventeenth Street, N.W.
Washington, D.C. 20006
(202) 872-8155

Attorneys for Plaintiffs

Dated: January 24, 1977

Copy to:

Counsel for Defendants

NOT RECORDED
14 FEB 1 1977

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b7C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELDRIDGE AND KATHLEEN CLEAVER,)

Plaintiffs,)

v.)

CLARENCE M. KELLEY, et al.,)

Defendants.)

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL


Civil Action No. 76-0795

NOTICE TO DISTRICT COURT CONCERNING
CHANGE IN CALIFORNIA TRIAL DATE FOR
ELDRIDGE CLEAVER

Counsel for plaintiffs wish to advise the Court that Messrs. John Keker and Mark Topel of San Francisco, California, have recently entered their appearances as attorneys for Eldridge Cleaver in the California criminal proceedings. During a telephone conversation with Mr. Keker on January 10, 1977, counsel were informed that the California court has continued the trial proceedings from January 24, 1977 to May 9, 1977. The California court has stated that it will not be disposed to grant any further continuances.

Respectfully submitted,


Terry F. Lenzner


Robert B. Cornell

Wald, Harkrader & Ross
910 Seventeenth Street, N.W.
Washington, D.C. 20006
(202) 872-8155

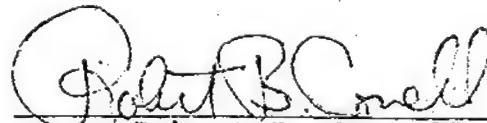
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice
To The Court Concerning Change In California Trial Date For
Eldridge Cleaver was mailed, postage prepaid, this 25th day of
January, 1977, to:

Joseph Guerrieri, Esquire
Assistant United States Attorney
United States Courthouse
Room 3415
Constitution Avenue
and John Marshall Place
Washington, D.C. 20001

Bruce E. Titus, Esquire
Deputy Chief
Information and Privacy Unit
Civil Division
Department of Justice
Washington, D.C. 20535


Robert B. Cornell

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELDRIDGE AND KATHLEEN CLEAVER,) ALL INFORMATION CONTAINED
Plaintiffs,) HEREIN IS UNCLASSIFIED
) DATE 10-15-2009 BY 60322/UCLRP/PJ/EHL
)
v.) Civil Action No. 76-0795
)
CLARENCE M. KELLEY, et al.,)
)
Defendants.)

PLAINTIFFS' MOTION TO COMPEL GOVERNMENT
TO FULLY AND DILIGENTLY COMPLY WITH
DISTRICT COURT ORDER AND FOR ANCILLARY
RELIEF

Pursuant to the Order of this Court dated December 22,
1976, and in view of the Government's Reports to the Court filed
December 28, 1976 and January 12, 1977, plaintiffs move this Court
for an Order requiring the Government to fully and diligently
comply with the Order of this Court dated December 22, 1976, and
to that end, within ten (10) days:

1. Inform the parties and the Court of all files and
categories which are not indexed in the manner described in
the Government's First and Second Reports and which may pertain
to this Court's Order of December 22, 1976;
2. Conduct a complete search and retrieval encompassing
all subject categories and files whether or not such files are
"main," indexed or "see" referenced, and whether or not such files,
indexes and references reflect serials or documents dated between
August 1, 1967 and April 30, 1968, but instead contain information
pertinent to this Court's Order of December 22, 1976, reflecting
serials or documents dated subsequent to April 30, 1968, up
through and including the present;

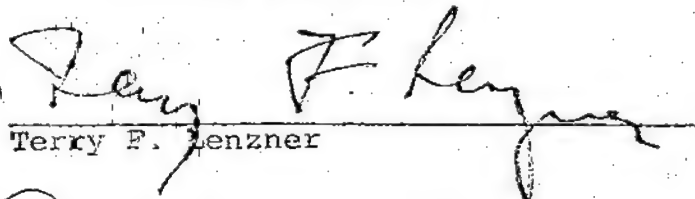
3. Direct the FBI to contact its California Field Offices and such other Field Offices as may have information encompassed by this Court's Order of December 22, 1976, and provide plaintiffs with such information in accordance with that Order;


4. Identify and fully consult with present and former personnel knowledgeable about FBI activities directed against plaintiffs, including their affiliations, and the Black Panther Party to develop a search and retrieval strategy which fully encompasses all the files which may be pertinent to plaintiffs' request. Plaintiffs request that such retrieval strategy not be limited to "see" references to the given names of plaintiffs or the "Black Panther Party" (but not exclude the "Black Panther Party"), and encompass all pertinent indexes and references and files maintained up through and including the present time;

5. File a Supplemental Report fully disclosing the steps taken to comply with this Court's Orders.

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, plaintiffs further move the Court for an order granting them leave to conduct discovery on an expedited basis.

Respectfully submitted,


Terry F. Benzner


Robert B. Cornell

Wald, Harkrader & Ross
910 Seventeenth Street, N.W.
Washington, D.C. 20006
(202) 872-8155

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELDRIDGE AND KATHLEEN CLEAVER,

Plaintiffs,)

v.)

CLARENCE M. KELLEY, et al.,

Defendants.)

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DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

Civil Action No. 76-0795

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF PLAINTIFFS' MOTION TO
COMPEL GOVERNMENT TO FULLY AND
URGENTLY COMPLY WITH DISTRICT COURT
ORDER, AND FOR ANCILLARY RELIEF

Own Prior Admissions and Information
Public Domain The Government Search
Presented In Its Reports To The Court
As Inconsistent With The Court's
Inadequate, And Not Credible.

After eight months of litigation and repeated representations inviting this Court and the Court of Appeals to believe that herculean efforts would be required to process plaintiffs' narrowed request, the Government in an effort to sidestep and obfuscate an unambiguous Court Order seeks to transform plaintiffs' request into a "non-project" perfunctory effort allegedly rendering this Court's Order of December 22, 1976 "moot." First Government Report, p. 2. This incredible act of magic purportedly has its genesis in the Government's restatement of this Court's Order which would transform the mandate of that Order "only to those ['main'] Bureau files compiled between August 1, 1967 and April 30, 1968." First Government Report, p. 2; cf. Affidavit of Special Agent Underwood accompanying First Report, paras. (2)

and (3). Contrary to the Government's restatement, this Court's Order in pertinent part commanded that:

[D]efendants, their agents, servants, employees and attorneys are restrained from refusing to process plaintiffs' request which, as narrowed and defined by their May 21, 1976 letter addressed to Quinlan Shea, Jr., Chief, Freedom of Information and Privacy Unit, Department of Justice, includes all information concerning 'covert law enforcement and counterintelligence activities by the Federal Bureau of Investigation, acting alone or in collaboration with California local and state police authorities, directed against Eldridge and Kathleen Cleaver and the California branches of the Black Panther Party of which they were a part, for the time period August 1967 through April 1968'

The narrow search described in the Government's Reports is not only inconsistent with the search encompassed by this Court's Order, but the filing of these Reports also raises substantial questions as to the good faith of the Government. For what it says and what it shows, it is instructive to recall the Government's past representations. In its Brief to the Court of Appeals the Government represented that "as narrowed [plaintiffs'] request requires a search through all of the Bureau records." Government Brief, p. 25. As recently as December 15, 1976, counsel for the Government exclaimed, "indeed, it is, in large part, the magnitude of this universe which militates so strongly against any possible consideration of expedition" and emphasized "the vast number of files which must be searched." Government Memorandum In Support of Motion to Supplement, pp. 4, 11. Yet, the Government would have this Court believe that in a short period of time marked by the Christmas Holidays and a few days in January, it has completed the requisite retrieval and search undertaken. It is apparent that the Government has undertaken that retrieval and search based on an unwarranted and unreasonably restrictive interpretation of this Court's Order in an apparent attempt to circumvent its mandate.

A careful reading of the Government's Reports to this Court dated December 28, 1976 and January 12, 1977, reveals that the Government's stated efforts to comply with this Court's Order of December 22, 1976, fall woefully short. Contrary to counsel's representation all records for the subject period pertaining to plaintiffs' narrowed request have not been encompassed by the Government's retrieval and search. Instead, as the First Affidavit of Special Agent Underwood itself reveals, the Government initially "caused to be retrieved all main files concerning Leroy Eldridge Cleaver, Kathleen Cleaver, and the Black Panther Party as reflected by a search of the Central Records System. From that material [Mr. Underwood] caused to be segregated those sections of files containing serials or documents dated between August 1, 1967 through April 30, 1968." (Emphasis added.) (First Affidavit of Special Agent Underwood, p. 1.)

This Court's Order of December 22, 1976, is not limited to "main" files denominated "Eldridge Cleaver," "Kathleen Cleaver," "Black Panther Party," or to sections compiled between the subject dates. The use of the term "main" itself suggests that there are other files encompassed by this Court's Order. The Government's definition of "main" Cleaver and Black Panther Party files which denominates these files by given names appears at pp. 125-26 of the Joint Appendix compiled by the parties for the Court of Appeals and supplied to the District Court. As the Government's counsel and FOIA Unit Deputy Chief there indicated "main" files do not include files denominated under other categories, e.g., "any of the documents in the Cointelpro or ELSUR . . . file."^{1/} Joint Appendix, p. 125. (Emphasis added.)

^{1/} The Second Government Report claims that there is no pertinent information in the ELSUR index. Second Affidavit of Special Agent Underwood, para. 8. However, it remains to be determined whether the FBI has transcripts of overhearings conducted by local California police authorities and thereafter possibly forwarded to FBI Field Offices or Headquarters.

On January 5, 1977, because the scope of FBI files which concern the parties appeared so vast and the Government's record search appeared so narrow, plaintiffs' counsel wrote to Defendant Justice Department FOIA Deputy Chief communicating plaintiffs' concern that the narrowed search was wholly inconsistent with this Court's Order. (Exhibit A.) A response was received on January 7, 1977. (Exhibit B.) As the response indicates, initially the Government did not even review its "see" reference cards "bear[ing] the name of an individual, organization, activity, or the like, which is referred to in a file maintained in the Bureau's system." (Exhibit B, p. 2.) As a result of plaintiffs' inquiry, the Government undertook to consult some cross index cards ("see" references) which produced further documents. (Second Affidavit of Special Agent Underwood, paras. 4, 5; Exhibit E to Affidavit.) However, the scope of the Government's search through cross reference cards has apparently been confined to looking for references to the plaintiffs solely by their given names.^{2/} As Special Agent Underwood admits, a cross reference search limited to given names is not adequate: "generally 'see' references contain insufficient background or other information by which a positive identification can be made with a given name." (Second Affidavit of Special Agent Underwood, para. 5, p. 3.) This admission suggests that the FBI must know

^{2/}

See paragraph 4 of the Second Affidavit of Special Agent Underwood, which states that "'see' . . . references were processed in line with representations set forth in [the] letter of Bruce E. Titus . . . dated January 7, 1977." (Exhibit B.) That letter states: "the defendants will . . . search the correlation of 'see' reference summaries on Eldridge and Kathleen Cleaver prepared in 1969. . . ." (Exhibit B, p. 1.) Thus, it does not even appear that the subject category "Black Panther Party" has been "see" referenced for the subject period. The fact that the Government admits pertinent information may be in its 1969 index cards suggests that index cards for subsequent years should also be consulted.

other ways to consult its cross index cards or obtain information from its records. It remains the task of the FBI to develop a more broadly based retrieval strategy to fully encompass the scope of this Court's Order.

Even a cursory reading of the Senate Intelligence Report suggests that there are any number of pertinent categories encompassed by this Court's Order, other than "main" files and "see" references kept under the heading of plaintiffs' given names, or the name "Black Panther Party." For example, there is no indication in the Government Reports that it has even undertaken to contact California FBI Field Offices and knowledgeable personnel familiar with the types of activities directed against plaintiffs and the Black Panther Party for the subject period.^{3/} As the FBI fully knows, the Cleavers were active in the Student Non-Violent Co-ordinating Committee ("SNCC") during the subject period as well as with the "Peace and Freedom Party." Moreover, throughout the Senate Report there are references to FBI file categories such as COMINFIL (groups allegedly infiltrated by Communists), "Racial Matters," "Black Nationalist Hate Groups," "Hate-type Organizations," "Racial Militants," "Ghetto Informant Program," "Key Activists," "Urban Guerilla Warfare," "Rabble Rouser Index," "Security Index," "Peace and Freedom Party," and "Ramparts Magazine," where pertinent information encompassed by the Court Order might be found.

The Government advises that it has confined its search by time only to files "containing serials or documents dated between August 1, 1967 through April 30, 1968." See First and Second Affidavits of Special Agent Underwood, passim. This Court's Order of December 22, 1976, is not limited in this

^{3/}

In addition, Field Offices may possess pertinent files and information never forwarded to FBI Headquarters in Washington, D.C.

fashion. As the FBI knows, information pertinent to the subject time period may not appear in files containing serials or documents dated in this fashion. Simply stated, information pertinent to this time period may appear in files compiled subsequent to April 30, 1968, which retrospectively refer to the period and events encompassed by the Court's Order.^{4/} A preliminary review of the documents attached as Exhibits to the Second Affidavit of Special Agent Underwood reveals instances where events occurring days and months before the apparent date the documents were compiled are referenced retrospectively. (See, e.g., Second Affidavit of Special Agent Underwood, Exhibit B, Eldridge Cleaver File Indexes: File 100-447251, Sec. 1; File 100-447251, Serial 13a; File 100-447251, Sec. 1, Serial 5a; File 100-447251, Sec. 1, Serial 13b; File 100-447251, Sec. 1, Serial 16; File 44-39665, Serial 3b.)

The inadequacy of limiting a records search to the dates on which a document was compiled or to indexes compiled in 1969 has already been admitted by the Government. At a meeting held at the Court's request, on May 21, 1976, Justice Department personnel confirmed that not all FBI files are indexed -- specifically mentioning the COINTELPRO files.^{5/} Furthermore, not all FBI files are in chronological order by date. Thus, the Justice

^{4/} Plaintiffs are also concerned that if, for example, the FBI possesses information revealing instances of collaboration between the Bureau and local California police authorities pertinent to plaintiffs' request, and if this information was referenced for the first time in reports received from California Field Offices subsequent to 1968, that such information would not surface because of the manner in which the Government has limited its search.

^{5/} Subsequently, on January 21, 1977, Bruce Titus represented to plaintiffs' counsel that he has been informed that the COINTELPRO files are "see" referenced and that he believes they were searched. However, the extent to which the COINTELPRO files were searched, and the extent to which they are indexed and cross-referenced is not apparent from the First and Second Affidavits of Special Agent Underwood.

Department's FOIA Unit Deputy Chief, after searching through some records, represented to this Court: "There is nothing to say that if some activity that would interest them actually did go on, that it may not have been reported at that time [covered by plaintiffs' narrowed request] and several years later was referenced in a report." Joint Appendix, p. 129. Thus, by its own admission, the Government cannot arbitrarily limit its search efforts merely to documents "compiled" between August 1, 1967 and April 30, 1968, to "main" files or to "see" references by plaintiffs' given names. It remains to be seen how many FBI files which may include the COINTELPRO files are not within the FBI's central index system.

In summary, it is apparent that the Government's efforts to comply with the Court's Order of December 22, 1976, are inadequate in at least four respects:

1. Information pertinent to the Court's Order may appear in FBI records compiled subsequent to April, 1968, which would not necessarily contain "serials or documents dated between August 1, 1967 through April 30, 1968."

2. Information pertinent to the Court's Order may appear under FBI files and categories other than those denominated by plaintiffs' given names, or the "main" and "Black Panther Party" files.

3. Information pertinent to the Court's Order may appear in FBI files and records which are not indexed or "see" referenced.

4. Information pertinent to the Court's Order may be located in files maintained in FBI Field Offices, and/or information may appear within special file categories maintained at Headquarters in Washington, D.C., known only to Field Office and other knowledgeable Justice Department personnel familiar with the plaintiffs' special file categories and the period encompassed by the Court's Order.

As the FBI search and retrieval efforts are so patently narrow, it remains for defendants to develop a search and retrieval strategy which fully encompasses all of the files which may be pertinent to this Court's Order of December 22, 1976. Knowledgeable personnel should be identified and fully consulted so that a search and retrieval strategy is developed which would assure thorough and diligent compliance with this Court's Order. In this regard, further reports should be required of the Government to the parties and the Court.

II. In Addition To Requiring The Government To Expeditionously Expand Its Retrieval And Processing Efforts So As To Fully And Diligently Comply With This Court's Order of December 22, 1976, The Court Should Grant Plaintiffs Leave To Conduct Discovery.

Because of the Government's hedging response to this Court's Order, plaintiffs request leave to conduct discovery on an expedited basis to further determine the extent to which the Government has not complied with the Court's Order of December 22, 1976, and to identify and depose knowledgeable present and former FBI personnel familiar with the activities directed against plaintiffs and the Black Panther Party during the subject period to further determine pertinent file categories encompassed by the Court's Order of December 22, 1976.

The D.C. Circuit has made it clear that when a factual issue arises as to whether production of documents under the Freedom of Information Act has been sufficient, a plaintiff has a right to commence discovery. Weisberg v. U.S. Department of Justice, ___ U.S. App.D.C. ___, 543 F.2d 308 (1976). In the Weisberg case the Court of Appeals reversed a District Court ruling granting summary judgment because the District Court entered its judgment without allowing the plaintiff the benefit

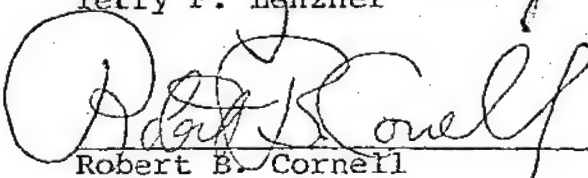
of discovery. In declaring that the plaintiff Weisberg "was entitled to insist on his interrogatories being answered" the Court went on to observe that in addition to interrogatories the plaintiff might be "well advised . . . to proceed with depositions or a court hearing . . .", noting that "the choice of discovery methods is normally up to the litigant. . . ." Id. at 311.

Conclusion

For the reasons set forth above, plaintiffs request that the Court grant them the relief set forth in the accompanying motion and proposed order.

Respectfully submitted,


Terry F. Lenzner


Robert B. Cornell

Wald, Harkrader & Ross
910 Seventeenth Street, N.W.
Washington, D.C. 20006
(202) 872-8155

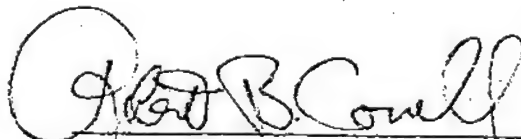
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Plaintiffs Motion to Compel Government to Fully and Diligently Comply With District Court Order And For Ancillary Relief, Memorandum of Points and Authorities in Support thereof, and proposed Order was hand delivered this 25th day of January, 1977, to:

Joseph Guerrieri, Esquire
Assistant United States Attorney
United States Courthouse
Room 3415
Constitution Avenue
and John Marshall Place
Washington, D.C. 20001

Bruce E. Titus, Esquire
Deputy Chief
Information and Privacy Unit
Civil Division
Department of Justice
Washington, D.C. 20535


Robert B. Cornell

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910 SEVENTEENTH STREET, N.W.
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SELMA M. LEVINE (1924-1975)

OF COUNSEL
PHILIP ELMAN
CHARLES FABRIANT

January 15, 1977

BY HAND

Bruce E. Titus, Esquire
Deputy Chief
Information and Privacy Unit
Civil Division (Room 3413)
Department of Justice
Washington, D.C. 20530

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2008 BY 60322/JCLRP/PJ/EHL

Re: Eldridge and Kathleen Cleaver v. Clarence
M. Kelley, et al., Civil Action No. 76-0795

Dear Mr. Titus:

During our telephone conversation of January 4, 1977, you stated that it was your understanding that our letter of May 21, 1976, does not limit the number of records to be searched. However, in spite of the wording of Judge Green's Order of December 22, 1976, and in spite of your understanding of the search encompassed by our letter of May 21, 1976, you stated that the Bureau was not required to review and in fact did not review all pertinent files to retrieve the requested information for the subject time period. Instead, the Bureau has merely retrieved "main" files concerning the Cleavers and the Black Panther Party "compiled" between August 1, 1967 and April 30, 1968. You further stated that the only files that were reviewed were the ten files mentioned in the Government's Report to the Court.

Based on your own representations to the Court, you could not accurately state that the files retrieved include "all information concerning 'covert law enforcement and counterintelligence activities by the Federal Bureau of Investigation . . . for the time period August 1967 through April

EXHIBIT A, pg. 1 of 2

Bruce E. Titus, Esquire
January 5, 1977
Page Two

1968'". (Emphasis added.) (See e.g., Joint Appendix, pp. 114, 129; Government Memorandum in Support of Motion to Supplement, dated December 15, 1976.)

While plaintiffs for the purposes of expedition have narrowed their request, they cannot consent to any arbitrary narrowing of the search and retrieval efforts that must fairly follow. Even a cursory reading of the Senate Intelligence Committee's Report reveals that any good faith effort to process our request could not fairly be confined to "main" Cleaver files alluded to in Special Agent Underwood's Affidavit. A reasonable search would also include, but not be limited to, checking files under such headings as:

- COMINFIL (Groups allegedly infiltrated by Communists);
- "Racial Matters";
- "Black Nationalist groups";
- "Hate-type organizations";
- "Racial militants";

COINTELPRO (Counter-Intelligence Program)

As your client fully knows, Eldridge Cleaver was an active member of the Student Non-Violent Co-ordinating Committee (SNCC), during the period encompassed by our request. We would expect your client to peruse these files as well as a detailed perusal of the Electronic Surveillance Index (ELSUR).

Your interpretation of Judge Green's Order appears wholly inconsistent with its mandate. Upon review of Judge Green's Order and your prior representations to the Court, I request that you reconsider your present position and not force me to bring this matter to issue. I would appreciate your advising me of your position by Friday morning, January 7, 1977.

Very truly yours,



Robert B. Cornell

RBC:mp
cc: Barbara Ward
Joseph Guerrieri

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Serv. _____
Ext. Aff. _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgmt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

TO : The Associate Director

FROM : Legal Counsel

SUBJECT: ELDRIDGE AND KATHLEEN CLEAVER v.
CLARENCE M. KELLEY, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 795-76

DATE: 1/3/77

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10-15-2008 BY 60322/UCLRP/PJ/EHL

PURPOSE:

To advise of receipt of Order in captioned matter and steps being taken to comply with that Order.

SYNOPSIS:

On 12/22/76, United States District Court Judge Green ordered that plaintiff's Freedom of Information Act (FOIA) request be completed by 1/12/77. Upon receipt of this Order, immediate steps were taken to request the Appellate Section of the Civil Division to take an appeal therefrom. Although the FOIPA Litigation Section of the Civil Division strongly recommended appeal, the Appellate Section did not. A copy of the Court Order, memorandum from Departmental Attorney Bruce E. Titus to Morton Hollander dated 12/22/76, and document captioned "Memorandum For The Solicitor General" dated 12/27/76 are attached hereto.

RECOMMENDATION:

None. For information.

APPROVED:

Adm. Serv. _____ Legal Coun. _____
Ext. Affairs. _____ Plan. & Insp. _____
Fin. & Pers. _____ Rec. Mgt. _____
Gen. Inv. _____ S. & T. Serv. _____
Ident. _____ Spec. Inv. _____
Intell. _____ Training _____

Enclosures - 3

1 - [redacted]

Attn: Mr. Underwood

1 - Mr. Mintz
1 - Mr. Moschella

EPM:lso
(4)

Director _____
Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

JAN 31 1977

CONTINUED - OVER

LEGAL COUNSEL

UNRECORDED COPY FILED IN 151-1171



54 FEB 9 1977

1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

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Memorandum to The Associate Director
Re: Eldridge and Kathleen Cleaver v.
Clarence M. Kelley, et al.
(U.S.D.C., D.C.)
Civil Action No. 795-76

DETAILS:

Plaintiffs in this civil action seek documents concerning themselves and brought suit to compel disclosure under the FOIA. Inasmuch as this case was in the FOIPA backlog we requested a stay of the proceedings until it could be reached in chronological order. Judge Green originally held on 5/27/76 that expedited processing was not necessary in this case. Plaintiffs appealed to the District of Columbia Circuit Court which remanded the case to the District Court to determine whether some exceptional need or urgency justifies putting appellants' requests ahead of all other requests received prior thereto.

On 12/22/76, United States District Court Judge Green issued a memorandum order in the above-captioned case which requires the FBI to turn over to the plaintiffs by 1/12/77 all documents or portions thereof for which no exemption under the FOIA is claimed. By the same date the FBI is required to produce an index, which includes the FBI documents' serial numbers, specifying the documents or portions of documents for which exemptions are claimed, and a detailed justification for withholding each document or portion thereof. This order goes to plaintiffs' request received in March, 1976, as "narrowed and defined by their May 21, 1976, letter addressed to Quinlan J. Shea, Jr., Chief, Freedom of Information and Privacy Unit, Department of Justice" (Op. p. 3).

Upon receipt of this order, Bruce E. Titus, Deputy Chief, Information and Privacy Section, Civil Division, prepared a memorandum to Morton Hollander, Chief, Appellate Section Civil Division, and strongly recommended appeal from the aforementioned order. The Appellate Section disagreed with the recommendation of Mr. Titus stating that the Court Order "can be read as limited to circumstances where (1) the potential criminal penalties are severe and (2) there has been a demonstration that the sought-after

Memorandum to The Associate Director
Re: Eldridge and Kathleen Cleaver v.
Clarence M. Kelley, et al.
(U.S.D.C., D.C.)
Civil Action No. 795-76

files might well aid in the requester's defense (and are not otherwise available)." Also, the Appellate Section was of the opinion that the Court of Appeals was predisposed toward ruling against us in view of the fact that after the Order to Remand our petition for rehearing was summarily denied by that Court.

On 12/27/76, a meeting was held with the Deputy Assistant Attorney General Irving Jaffe, Civil Division. Present at this meeting on behalf of the FBI were Special Agents [] and Underwood (Records Management Division); Special Agent [] (Legal Counsel Division); [] (Appellate Section, Civil Division); and Mr. Titus. After approximately two hours of discussion, Mr. Jaffe advised that he would not change the recommendation of the Appellate Section and suggested that the FBI bring its case to the Solicitor General.

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It should be noted at this point that plaintiffs' original request required the production of all records concerning themselves and the California Chapters of the Black Panther Party. By letter dated 5/21/76 plaintiffs, through their attorney, advised that they wished to limit their request to information which reflected "covert law enforcement and counterintelligence activities by the Federal Bureau of Investigation, acting alone or in collaboration with California local and state police authorities, directed against Eldridge and Kathleen Cleaver and the California branches of the Black Panther Party of which they were a part, for the time period August, 1967, through April, 1968." We have consistently maintained that this so-called narrowing of the request was illusory inasmuch as it could not be stated with any degree of certainty that documents prepared after the time period in question would not have reflected the type of information sought during the pertinent time frame. However, we have now taken the position that pursuant to the Court's Order, we will retrieve all main files concerning the Cleavers and the Black Panther Party

Memorandum to The Associate Director
Re: Eldridge and Kathleen Cleaver v.
Clarence M. Kelley, et al.
(U.S.D.C., D.C.)
Civil Action No. 795-76

and segregate from those files those sections containing serials or documents dated between 8/1/67 and 4/30/68. It has been determined that approximately ten sections of material contain documents dated in that particular time frame. An affidavit to this effect has been prepared and was filed with the Court and served on plaintiffs on 12/29/76. (See memorandum to Assistant Attorney General, Civil Division, from Assistant Director - Legal Counsel dated 12/30/76.)

The aforementioned posture was taken for several reasons: (a) The Court may agree that this in fact is the scope of plaintiffs' request and additional file review would be unreasonable. (b) If a similar factual situation arises in the future, we will be in a position to point out that the processing in this case took place in the ordinary course of business as opposed to expeditious processing under Court Order inasmuch as the ten sections so segregated are less than the number administratively designated as constituting a project request and that we are processing non-project requests received in March, 1976. This may have the effect of blunting future plaintiffs' arguments which may cite this decision. (c) If the Court does not agree with our position and requires that we process all files for information between 8/1/67 and 4/30/68, we would be in a much better position to take an appeal.

In this regard, Emil P. Moschella, Legal Counsel Division, telephonically conferred with Departmental Attorney Stephen Ubanczyk of the Solicitor General's Office on 12/28/76 and 12/29/76. It was his opinion that he would recommend to the Solicitor General that the decision of the Appellate Section, Civil Division, be affirmed, but noted that if Judge Green did not follow our interpretation of plaintiffs' request he would be favorably disposed toward recommending appeal from an Order that required immediate processing of approximately 138,000 pages of material within

Memorandum to The Associate Director
Re: Eldridge and Kathleen Cleaver v.
Clarence M. Kelley, et al.
(U.S.D.C., D.C.)
Civil Action No. 795-76

a three-week period on the basis that the District Court Judge had abused her discretion. It would seem that we would be in a better position at that time to convince the Appellate Section to raise not only the abuse of discretion issue, but also question the substantive provisions of the 12/22/76 Order.

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DATE 10-15-2003 BY 60322/UCLRP/PJ/EHL

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

DEC 22 1976

ELDRIDGE CLEAVER
KATHLEEN CLEAVER

JAMES F. DAVEY, Clerk

Plaintiffs

v.

Civil Action No. 76-795

CLARENCE M. KELLEY, et al

Defendants

MEMORANDUM ORDER

This matter is presently before the Court on plaintiffs' request for expedited consideration on remand, and defendants' motion to supplement this Court's May 27, 1976 opinion filed herein. The relevant background facts are set forth in the aforementioned opinion, Cleaver v. Kelley, 415 F.Supp. 174, and incorporated herein by reference.

Briefly stated, plaintiffs filed a request under the Freedom of Information Act (FOIA), 5 U.S.C. 552, et seq., February 27, 1976 with defendants herein, seeking all files relating to the activities of Kathleen and Eldridge Cleaver, and further requesting expedited treatment of the matter because of Mr. Cleaver's upcoming criminal trial. The defendants refused to process the request, not only on an expedited basis, but also under the time limits of the Act, citing their "chronological policy". This Court denied plaintiffs' preliminary injunction, finding that exceptional circumstances existed with the FOIA request backlog, thereby justifying the delay in processing, and plaintiffs appealed. The chronological approach was further affirmed by the United States Court of Appeals in Open America, et al v. The Watergate Special Prosecution Force, et al, No. 76-0129 (D.C.Cir., decided July 7, 1976).

This matter is presently on remand to determine whether "some exceptional need or urgency justifies putting appellants' request

ahead of all other requests received prior thereto". Cleaver v. Kelley, No. 76-1831 (D.C.Cir., decided November 23, 1976), Slip Op. at 2 (citing Open America, supra, Slip Op. at 19), petition for rehearing denied December 7, 1976. The parties have agreed to rest on the existing record.

Mr. Cleaver is now scheduled for trial in California State Court on January 24, 1977 on a six-count indictment charging attempted murder and assault with a deadly weapon. Because Mr. Cleaver faces criminal prosecution, which in the end could mean his loss of freedom or life, he is confronted with an exceptional and urgent need to obtain any and all information that could prove exculpatory.

It has come to public attention, furthermore, that the Federal Bureau of Investigation (FBI) engaged in covert activities designed to injure plaintiffs and the Black Panther Party. Senate Select Committee on Intelligence Activities, 94th Cong., 2d Sess., No. 94-755, Final Report on Intelligence Activities and the Rights of Americans. (1976). These activities, which included the encouragement of local police to institute raids and harass members of target groups, occurred during the time surrounding the allegations in the indictment in which Mr. Cleaver is charged. The defendants, therefore, may well have information which would aid Mr. Cleaver's defense and which might not be available in state files.

In view of these findings, the Court concludes that an exceptional and urgent need does exist which justifies putting this request ahead of other requests. ^{1/} The public interest lies in assuring a complete and thorough adjudication of criminal matters.

Such an interest outweighs that of those seeking material in the pursuit of less fundamental rights.

^{1/} It is noted that testimony taken before this Court indicated that the FBI is facing an approximate eight-month delay in processing initial requests. Plaintiffs' initial request is now ten months old and thus theoretically should be close to the processing stage under the so-called "chronological processing policy".

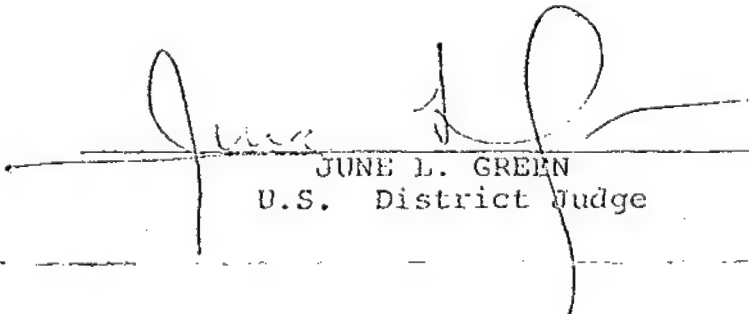
In accordance with the foregoing, it is by the Court
this 22nd day of December 1976,

ORDERED that plaintiffs' motion for a preliminary injunction should be and the same hereby is granted; and it is further

ORDERED that defendants, their agents, servants, employees and attorneys are restrained from refusing to process plaintiffs' request which, as narrowed and defined by their May 21, 1976 letter addressed to Quinlan Shea, Jr., Chief, Freedom of Information and Privacy Unit, Department of Justice, includes all information concerning "covert law enforcement and counterintelligence activities by the Federal Bureau of Investigation, acting alone or in collaboration with California local and state police authorities, directed against Eldridge and Kathleen Cleaver and the California branches of the Black Panther Party of which they were a part, for the time period August 1967 through April 1968"; and it is further

ORDERED that the defendants shall file by January 12, 1977 an index, which includes the FBI document's serial number, specifying the documents or portions of documents for which exemptions are claimed, and a detailed justification for withholding each document or portion thereof; and it is further

ORDERED that all documents for which exemptions are not sought shall be produced for plaintiffs by January 12, 1977.



JUNE L. GREEN
U.S. District Judge

Memorandum

TO : Mr. Morton Hollander
Chief, Appellate Section
Civil Division

FROM : Bruce E. Titus, Deputy Chief
CHIEF, Information & Privacy Section
General Litigation Section
Civil Division

SUBJECT: Eldridge and Kathleen Cleaver v. Kelley,
et al., U.S.D.C. D. D.C., No. 76-0735.

DATE: December 22, 1976

BETitus:psk
145-12-2791

Ext. 4543

Your attention is directed to the adverse action taken by the Court in the above entitled matter indicated by the attachment hereto dated December 22, 1976

This matter is hereby forwarded to you for appropriate consideration and appellate action.

We have [no] [~~the~~ attached] comment or recommendation.

The Department of Justice file is complete except for the attachments forwarded with this memorandum.

Attachments

P.S. We strongly recommend appeal.

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100-447251-1753
ENCLOSURE

Encl. to Legal Council to Assessor
1-3-77

ROUTING AND TRANSMITTAL SLIP		
1 TO (Name, office symbol or location)	INITIALS	CIRCULATE
<div></div> Room 4229	DATE	COORDINATION
2	INITIALS	FILE
FEDERAL GOVERNMENT	DATE	INFORMATION
3	INITIALS	NOTE AND RETURN
	DATE	PER CON - VERSATION
4 <u>Eldridge</u> <u>PLEAVER</u> Crim PA 1985	INITIALS	SEE ME
	DATE	SIGNATURE
REMARKS		
<p>The F.B.I. attached 2 documents to its 1/3/77 routing slip. One (3/1/68) is hereby forwarded to you for review and direct response to the FBI by 1/12/77.</p> <p>Criminal Division will respond to the FBI as to the other</p> <p>Do NOT use this form as a RECORD of approvals, concurrences, disapprovals, clearances, and similar actions.</p>		
FROM (Name, office symbol or location)	DATE	
<div></div> 600 FTRI Foi/PA Crim	1/5/77	

OPTIONAL FORM 41
AUGUST 1967
GSA FPMR (41CFR) 100-11.206

GPO 043-16-81418-1 419-016 5041-101

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DATE 10-16-2008 BY 60322/UCLRP/PJ/EHL

RECEIVED

1985

JAN 4 12 24 PM '77

FREEDOM OF INFORMATION
ACT - PRIVACY UNIT
CRIMINAL DIVISION

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEC 22 1976

ELDRIDGE CLEAVER
KATHLEEN CLEAVER

JAMES F. DAVEY, Clerk

Plaintiffs

v.

Civil Action No. 76-795

CLARENCE M. KELLEY, et al

Defendants

MEMORANDUM ORDER

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Briefly stated, plaintiffs filed a request under the Freedom of Information Act (FOIA), 5 U.S.C. 552, et seq., February 27, 1976 with defendants herein, seeking all files relating to the activities of Kathleen and Eldridge Cleaver, and further requesting expedited treatment of the matter because of Mr. Cleaver's upcoming criminal trial. The defendants refused to process the request; not only on an expedited basis, but also under the time limits of the Act, citing their "chronological policy". This Court denied plaintiffs' preliminary injunction, finding that exceptional circumstances existed with the FOIA request backlog, thereby justifying the delay in processing, and plaintiffs appealed. The chronological approach was further affirmed by the United States Court of Appeals in Open America, et al v. The Watergate

76-0129 (D.C.Cir.) decided

This matter is presently on remand to determine whether "some exceptional need or urgency justifies putting appellants' request

ahead of all other requests received prior thereto". Cleaver v. Kelley, No. 76-1831 (D.C.Cir., decided November 23, 1976), Slip Op. at 2 (citing Open America, supra, Slip Op. at 19), petition for rehearing denied December 7, 1976. The parties have agreed to rest on the existing record.

Mr. Cleaver is now scheduled for trial in California State Court on January 24, 1977 on a six-count indictment charging attempted murder and assault with a deadly weapon. Because Mr. Cleaver faces criminal prosecution, which in the end could mean his loss of freedom or life, he is confronted with an exceptional and urgent need to obtain any and all information that could prove exculpatory.

It has come to public attention, furthermore, that the Federal Bureau of Investigation (FBI) engaged in covert activities designed to injure plaintiffs and the Black Panther Party. Senate Select Committee on Intelligence Activities, 94th Cong., 2d Sess., No. 94-755, Final Report on Intelligence Activities and the Rights of Americans. (1976). These activities, which included the encouragement of local police to institute raids and harass members of target groups, occurred during the time surrounding the allegations in the indictment in which Mr. Cleaver is charged. The defendants, therefore, may well have information which would aid Mr. Cleaver's defense and which might not be available in state files.

In view of these findings, the Court concludes that an exceptional and urgent need does exist which justifies putting this request ahead of other requests. ^{1/} The public interest lies in assuring a complete and thorough adjudication of criminal matters.

Such an interest outweighs that of those seeking material in the name of their constitutional rights.

^{1/} that the delay is due to an administrative eight-month delay in processing initial requests. Plaintiffs' initial request is now ten months old and thus theoretically should be close to the processing stage under the so-called "chronological processing policy".

In accordance with the foregoing, it is by the Court
this 22nd day of December 1976,

ORDERED that plaintiffs' motion for a preliminary injunction should be and the same hereby is granted; and it is further

ORDERED that defendants, their agents, servants, employees and attorneys are restrained from refusing to process plaintiffs' request which, as narrowed and defined by their May 21, 1976 letter addressed to Quinlan Shea, Jr., Chief, Freedom of Information and Privacy Unit, Department of Justice, includes all information concerning "covert law enforcement and counterintelligence activities by the Federal Bureau of Investigation, acting alone or in collaboration with California local and state police authorities, directed against Eldridge and Kathleen Cleaver and the California branches of the Black Panther Party of which they were a part, for the time period August 1967 through April 1968"; and it is further

ORDERED that the defendants shall file by January 12, 1977 an index, which includes the FBI document's serial number, specifying the documents or portions of documents for which exemptions are claimed, and a detailed justification for withholding each document or portion thereof; and it is further

ORDERED that all documents for which exemptions are not sought shall be produced for plaintiffs by January 12, 1977.



JUNE L. GREEN
U.S. District Judge

Memorandum

ALL FBI INFORMATION CONTAINED
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DATE 10-16-2008 BY 60322/UCLRP/PJ/EHL

TO : Director
Federal Bureau of Investigation

DATE: March 7, 1968.

FROM *Jay*: J. Walter Yeagley
Assistant Attorney General
Internal Security Division

SUBJECT: Black Nationalist Movement in the United States;
Racial Matters (BPPSD)

Reference is made to your teletype of February 18, 1968, containing information concerning the BPPSD rally at Oakland, California on February 17th. Your teletype noted that Leroy Eldridge Cleaver announced a merger of the BPPSD and the Student Nonviolent Coordinating Committee (SNCC). Your teletype also stated that various individuals made a number of statements as follows:

[redacted] of SNCC, said reprisals must be taken for the assassination of any black leader.

[redacted] of the Peace and Freedom Party, expressed support for the Negro revolution in the United States.

[redacted] of
BPPSD, and [redacted] SNCC, stated that black warfare
inside this country would answer the problem of Negro
unemployment.

[redacted] of BPPSD, urged all Negro families to have shotguns in their homes to remove and nullify the occupying army of police officers in the black communities.

STOKELY CARMICHAEL, presented as the Prime Minister of the Afro-America to all Africans throughout the world asserted that all blacks must unite socially, economically and militarily in order to avoid extermination by Whites.

Reference is also made to your teletype of February 19, 1968, containing information concerning the Black Congress program at Los Angeles on February 18th. This teletype also

XEROX
OCT 17 1968

3 MAR 8 1963

RACIAL INT. SECT.

advised that various statements were made by a number of individuals as follows:

[] said every Negro should be armed due to the eventual revolution of black people.

[] urged all Negro families to have shotguns in their homes and stated that black power is gun and force which will be used in the next Civil War.

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[] Black Nationalist Organization "US" said "the Whites are our enemy and we must organize to overcome them."

[] stated that there would be a Negro revolution in the United States and that is not a "political revolution." He allegedly predicted a battle similar to the Civil War within the next few years.

STOKELY CARMICHAEL reiterated his remark that all blacks must unite socially, economically and militarily.

Sections 2383, 2384 and 2385, respectively, of Title 18, United States Code, proscribe the crimes of rebellion or insurrection, seditious conspiracy and advocating the violent overthrow of the United States Government or the government of any political subdivision thereof. While the statements attributed to the foregoing speakers ostensibly are aimed at uniting Negroes for the purpose of obtaining their rights, the violation of one or more of the mentioned statutes is implicit in these statements. We would therefore appreciate receiving, on a continuing basis, all information indicating a conspiracy on the part of the named individuals and organizations to violate one or more of these statutes.

In regard to the above, reference is made to my memorandum dated January 29, 1968, captioned "[] - Security Matter - Student Nonviolent Coordinating Committee," in which I refer to a statement made by [] on November 24, 1967, at Debs Hall in Chicago, that SNCC is no longer a protest group but is now a revolutionary movement. We would appreciate receiving any information which would indicate that the merger of SNCC with the BPPSD is for the purpose of implementing the alleged revolutionary policy of SNCC.

b6
b7C



~~SECRET~~

Office of the Attorney General
Washington, D. C.

March 1, 1968

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HEREIN IS UNCLASSIFIED
DATE 10-16-2008 BY 60322/UCLRP/PJ/EHL

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Memorandum to: Mr. J. Edgar Hoover, Director
Federal Bureau of Investigation

From: Ramsey Clark
Attorney General

Re: Leroy Eldridge Cleaver
Black Panther Party for Self-Defense
Racial Matter
(Your memo dated February 26, 1968)

I am declining authorization of the requested installation of the above telephone surveillance at the present time. Prosecution must have higher priority than intelligence where militant extremists with violent tendencies are involved. It is important that prosecution be initiated wherever evidence of violation of Federal law can be established and that such prosecutions not be jeopardized by electronic surveillance.

This does not preclude authorization of electronic surveillance where direct and substantial threat to the national security is involved to a degree that intelligence factors become more important than prosecution. Should further evidence be secured that would warrant reconsideration, please resubmit.

Other investigative activities should be undertaken to provide intelligence necessary to the protection of the national interest.

100-447251-1383X
REC-71 100-447251-8

EX-102

MAR 15 1968
Declassified in accordance with
28 C.F.R. Sec. 17.43(a)

ENCLOSURE

104-386
MAY 20 1968

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DATE 10-16-2003 BY 60322/UCLRP/PJ/EHL

2 -

Attn: Mr. Underwood
Attn: [REDACTED]

Assistant Attorney General
Civil Division
Attn: Bruce E. Titus

January 26, 1977

1 - Mr. Mintz
1 - [REDACTED]

b6
b7C

Assistant Director - Legal Counsel
Federal Bureau of Investigation

FEDERAL GOVERNMENT

ELDRIDGE AND KATHLEEN CLEAVER v.
CLARENCE M. KELLEY, et al.
(U.S.D.C., D. C.)
CIVIL ACTION NO. 76-795

Enclosed are the original and five copies of
the affidavit of Special Agent Garnett T. Tunstall,
Records Management Division, Federal Bureau of Investi-
gation Headquarters (FBIHQ), for filing in this litiga-
tion.

The affidavit was prepared at the request of
Departmental Attorney Bruce E. Titus, Information and
Privacy Section, Civil Division, who advised it would
be filed in the United States District Court for the
District of Columbia in support of litigation in this
matter.

We request that you keep us advised of
pertinent developments in this matter.

Enclosures (6)

EX-113

1 - United States Attorney (Enc.)
District of Columbia

REC-39

100-447251-1384

NOTE:

Instant memorandum furnishes the Department an
affidavit for filing in captioned litigation to
support our classification of a document processed
in instant matter.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgnt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

WWH:rml
(8)

MAILED 10
JAN 26 1977
FBI

APPROVED:

Director _____
Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Intell. _____

Plan. & Insp. _____
Rec. Mgt. _____
S. & T. Serv. _____
Spec. Inv. _____
Training _____

22 JAN 27 1977

MAIL ROOM ☐

TELETYPE UNIT ☐

[REDACTED]

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b7C

FBI/DOJ

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELDRIDGE AND KATHLEEN CLEAVER

Plaintiffs

v.

CIVIL ACTION NO. 76-795

CLARENCE M. KELLEY, et al.

Defendant

AFFIDAVIT

I, Garnett T. Tunstall, being duly sworn, depose and
say as follows:

(1) I have been a Special Agent of the Federal Bureau
of Investigation (FBI) for 29 years. For the past eight years I
have served at FBI Headquarters (FBIHQ) in a supervisory capacity.
During the last 25 years of my tenure as an FBI Special Agent, I
have been assigned various responsibilities in both domestic
security and foreign counterintelligence work. I am currently
assigned as Chief of the Document Classification Review Unit in
the Records Management Division at FBIHQ, Washington, D. C.

(2) I have been authorized to classify FBI documents
pursuant to Executive Order (EO) 11652, Sections 2(A)(3) and 2(C),
and 28 C.F.R. 17.23, et seq. My current assignment in classifi-
cation matters involves a variety of duties, including review of
classified documents requested under the Freedom of Information
Act (FOIA) as to their suitability for continued classification,
appearances before the Department Review Committee (DRC) on a
consultant basis concerning FBI documents being considered by
the Department of Justice under the administrative review process
provided by the FOIA, and, when indicated, declassification of
FBI documents.

(3)(a) I have made a personal, independent examination of the document listed hereinafter and have personal knowledge of the information set forth in this document for which the exemption (b)(1) pursuant to Title 5, United States Code, Section 552, is claimed.

(b) My examination was conducted in strict adherence to the standards and criteria found in EO 11652. As the document carried the appropriate classification, I did not make any additional markings on it. The classification level as set forth in EO 11652 was also relied upon exclusively by affiant as set forth in the pertinent part in Section 1 as follows:

"(B) 'Secret.' 'Secret' refers to that national security information or material which requires a substantial degree of protection. The test for assigning 'Secret' classification shall be whether its unauthorized disclosure could reasonably be expected to cause serious damage to the national security. Examples of 'serious damage' include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly related to the national security; revelation of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security. The classification 'Secret' shall be sparingly used."

(4) The following document, which is identified in the second affidavit of Frank Underwood, III, dated January 12, 1977, Exhibit E, was specifically examined by the affiant and is identified hereafter by the same file number:


(a) 62-77787-364-109 is a two-page communication consisting of a one-page airtel from the Special Agent in Charge (SAC), New York to FBIHQ dated January 18, 1968, enclosing a one-page letterhead memorandum (LHM) of the same date.

The one-page LHM was classified "Secret" at its origin as information contained therein would disclose an intelligence method as well as the FBI's interest in a specific foreign relations matter. Current review indicates this document continues to warrant classification in Categories 2 and 3 described in EO 11652 under Section 5(b)(2) as "classified information or materials specifically covered by statute, or pertaining to cryptography, or disclosing intelligence source or methods" and under Section 5(b)(3) as "classified information or material disclosing a system, plan, installation, project or specific foreign relations matter, the continuing protection of which is essential to the national security." The classified data is confined to paragraphs 1, 2, 3 and 4 of the LHM.


(5) The document described in paragraph (4)(a) was presented to the DRC for classification review on January 18, 1977. The classification as indicated in (4)(a) was upheld by that Committee.

(6) The affiant has reviewed on a paragraph-by-paragraph basis, the document described above, and has determined that it warrants classification assigned, and that it has been appropriately marked in accordance with EO 11652, Section 4(A), and 28 C.F.R. 17.40, et seq.

(7) The portions of the above document not warranting classification have been considered for release subject to exemption provisions of the FOIA.


GARNETT T. TUNSTALL
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and Sworn to before me this 25th day
of January, 1976.


Notary Public

My commission expires 12/15/77.

Chief, Operations Section
(Attn: Document Classification
Review Unit)
Chief, Disclosure Section

1/10/77

FREEDOM OF INFORMATION-PRIVACY ACTS
REQUEST OF Eldridge Cleaver

Attached records are presently:

☐ Classified

☒ Both

☐ Unclassified

☐ Particular attention
is directed to serials _____

After reviewing these records to determine if
classification is presently warranted, it is requested
you indicate your determination hereon, and return this
form and the records to the following:

Unit _____

Team _____

Attention

Frank Underwood

Room

54396

Ext

b2

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-16-2008 BY 60322/UCLRP/PJ/EHL

100-447251-

NOT RECORDED

22 FEB 16 1977

F.O.I.A.

see addendum pages 2-4

55 MAR 1 1977

FBI

Memorandum to Mr. Decker

Re: Freedom of Information-Privacy Acts (FOIPA)

Request Re: Eldridge Cleaver

ADDENDUM: Document Classification Review Unit, GTT:seb, 1/11/77

Reviewer: SA

Ext.:

b2
b6
b7C

The following "see" references were reviewed in connection with the above request and the following was needed:

100-439190-26-39	-	info re subject not classified
100-439190-1101	-	" " " " "
100-439190-1121	-	" " " " "
100-439190-19-77	-	" " " " "
100-439190-34-119	-	" " " " "
100-439190-47-36	-	" " " " "
105-138315-9800	-	" " " " "
100-439190-10-44	-	" " " " "
100-439190-10-41	-	" " " " "
64-45716-545	-	" " " " "
157-8955-1	-	" " " " "
100-443769-6	-	" " " " "
157-10028-1	-	" " " " "
157-10093-3	-	" " " " "
157-9402-1	-	" " " " "
157-9725-1	-	" " " " "

Request of Eldridge Cleaver

157-8948-2	- info re subject not classified
157-8758-2	- " " " " "
100-446665-116	- " " " " "
100-446080-1680	- " " " " "
100-446080-1671	- " " " " "
100-446080-1237	- " " " " "
100-446080-1167	- " " " " "
100-446080-141	- " " " " "
157-9246-2	- " " " " "
105-127538- 4	- " " " " "
100-450019-2	- " " " " "
105-138315-5992	- " " " " "
105-138315-18-35	- " " " " "
100-439190-45-7	- " " " " "
105-138315-7164	- " " " " "
100-439190-47-25	- " " " " "
100-439190-13-8	- " " " " "
100-439190-34-8	- (not here) out of scope
100-445393-27	- Out of scope. Refer to
*62-77787-109	- classified " Secret "
100-446080-1018	- declassified

b2

Request of Eldridge Cleaver

140-0-76861 - Department of Commerce document
62-111730-91 - No mention of subject.
Info re wife not classified.
100-445393-140 - page 1 of administrative data
classified "~~Secret.~~" OK as
excised.
100-445393-88 - ☐ document - classified
105-138315-5136 - out of scope

b2

Agent time expended for review was 4 hours.

GTT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-16-2009 BY 60322/UOLRP/PJ/EHL

TO: Special Investigative Division

FROM: ☐ Intelligence ☐ General Investigative ☐ Special Investigative

FOIPA

REQUEST FOR SEARCH OF SPECIAL INDICES

Date of request 1/3/76	Requesting Agent SA Underwood
----------------------------------	---

Please complete following and return one copy to:

FOIPA _____, Division - ☐ Intelligence
Section ☐ General Investigative
☐ Special Investigative

NAMES TO BE SEARCHED

KNOWN ALIASES

Results of Criminal and Security
Special Indices Search
(attach separate sheet, if necessary)

Cleaver Eldridge

NR

NR

BPP Calif branches

NR

San Francisco, Los Angeles

NR

San Diego & Sacramento

**Dates only of August 1, 1967 - Through
April 30, 1968.**

b6
b7C

Bufile

100-447251-

Searched by

Date

1/4/77

~~CONFIDENTIAL~~

LEG-7 (Rev. 8-11-70)

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

JH Memorandum

~~CONFIDENTIAL~~

TO : Director, FBI (100-447251) DATE: 1/14/77

FROM : Legal Attache, London (157-120) (RUC)

SUBJECT: LEROY ELDRIDGE CLEAVER *11R*
I.O. 4239, W.F. 447
LHM - BPP; UFAC - ASSAULT WITH
INTENT TO COMMIT MURDER
OO: SF

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-16-2008

Reference: SFlet and LHM 12/16/76.

Dissemination, as outlined below, was made on dates indicated
to foreign agencies listed.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(S)

☒ One copies of SF LHM 12/16/76.

☐ Pertinent information from

b1

(S)

Name and Location of Agency

Date Furnished

1/14/77

100-447251-

3 - Bureau
(1 - Foreign Liaison Desk)
DRD:ejg
4491

~~CONFIDENTIAL~~

Classified by 5812

Exempt from GDS, Category 1

Date of Declassification

Indefinite

NOT RECORDED

4 FEB 1 1977
100-800

~~CONFIDENTIAL~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-16-2008 BY 60322/UCLRP/PJ/EHL

Attn: Mr. Underwood
Mr. Mintz

b6
b7C

1 -

Assistant Attorney General

Civil Division

Attn: Bruce E. Titus

FEDERAL GOVERNMENT

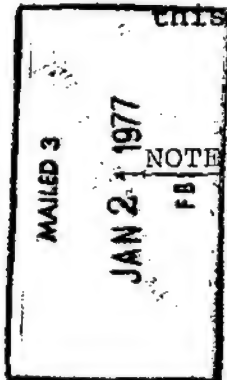
January 18, 1977

Assistant Director - Legal Counsel
Federal Bureau of Investigation

ELDRIDGE AND KATHLEEN CLEAVER v.
CLARENCE M. KELLEY, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-795

This confirms delivery to Departmental Attorney
Bruce E. Titus on January 12, 1977, of the original and
two copies of an affidavit of Special Agent Frank
Underwood, III, which sets forth the facts concerning our
processing and application of the exemptions of the
Freedom of Information Act (FOIA) in response to the
Court's Order calling for processing by January 12, 1977.

Further, one copy was delivered to plaintiff's
attorney at 5:15 p.m. the same day by a representative of
this Bureau.



REC-50

DE-40

100-447251-1385X
190-2546

Affidavit for filing in captioned litigation in
the United States District Court for the District
of Columbia on January 12, 1977. Preparation of
the affidavit was coordinated between Special
Agent Frank Underwood, III, Records Management
Division, representatives of Information and
Privacy Acts Litigation Unit, and Departmental
Attorney Bruce E. Titus. Mechanical difficulties
delayed duplication of all exhibits, necessitating
delivery to plaintiff's attorney of one copy of
affidavit at request of Mr. Titus.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgnt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

WWH:rml
(6)

APPROVED:

Director _____
Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Intell. _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgt. _____
S. & T. Serv. _____
Spec. Inv. _____
Training _____

JAN 25 1977

MAIL ROOM ☐

TELETYPE UNIT ☐

FBI/DOJ

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-16-2008 BY 60322/JCLRP/PJ/EHL

Attn: [redacted]

Attn: Mr. Underwood

1 - Mr. Mintz

1 - [redacted]

February 7, 1977

b6

b7C

Assistant Attorney General
Civil Division

Attn: Bruce E. Titus

Assistant Director - Legal Counsel
Federal Bureau of Investigation

ELDRIDGE AND KATHLEEN CLEAVER v.
CLARENCE M. KELLEY, et al.

(U.S.D.C., D. C.)

CIVIL ACTION NO. 75-0795

FEDERAL GOVERNMENT

Enclosed are the original and five copies each of two affidavits of Special Agents James W. Awe and Frank Underwood, III, Records Management Division, FBI Headquarters (FBIHQ), for filing in this litigation.

The affidavits were prepared at the request of Bruce E. Titus, Departmental Attorney, Information and Privacy Section, Civil Division, who advised they will be filed in captioned litigation in the United States District Court for the District of Columbia.

We request that you keep us advised of pertinent developments in this matter.

Enclosures (12)

NOTE: Instant memorandum furnishes to the Department affidavits for filing in captioned litigation in the United States District Court, District of Columbia, in support of opposition to plaintiffs' motion to compel.

WWH:rml (7)

REC-46/00-447251-1386

FEB 8 1977

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgmt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director's Sec'y _____

APPROVED:

Director _____
Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Intell. _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgt. _____
S. & T. Serv. _____
Spec. Inv. _____
Training _____

MAIL ROOM ☐

TELETYPE UNIT ☐

XEROX

FEB 14 1977

ORIGINAL & FIVE
COPIES HAND DELIVERED
TO DEPT ATTNY BRUCE
E. TITUS 2/8/77 WWH

UNRECORDED COPY FILED IN 59-5896

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-16-2008 BY 60322/UCLRP/PJ/EHL

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELDRIDGE AND KATHLEEN CLEAVER

Plaintiffs

v.

Civil Action No.
76-0795

CLARENCE M. KELLEY, et al.

Defendants

AFFIDAVIT OF JAMES W. AWE

I, James W. Awe, being duly sworn, depose and
say as follows:

(1) I am the Section Chief of Records System
Section, Records Management Division, at FBI Headquarters
(FBIHQ), Washington, D. C.

(2) Due to the nature of my official duties,
I am personally familiar with the FBI system of records.
The information about the system furnished herein is based
upon my personal knowledge, obtained in my official
capacity.

(3) THE FBI CENTRAL RECORDS SYSTEM

(A) Regulations of the National Archives
and Records Service (NARS), General Services Administration
(GSA), which are based on Title 41, Code of Federal Regulations
101.11 govern the type of material which we must maintain.

(B) The FBI Central Records System is a
manual system designed to be completely responsive to the
Bureau's needs by facilitating prompt retrieval of data
previously filed.

(C) The FBI utilizes a central records system
in maintaining its investigative, personnel, applicant,
administrative, and general files. This system consists of

ENCLOSURE

100-447251-1386

subject matters filed in numerical sequence, an alphabetical index to the files for access to same, and a supporting abstract system to facilitate processing and (internal) accountability of all important mail placed in file. Files kept in FBI field offices are also structured in the same manner, except they do not utilize an abstract system.

All information on a given subject matter or case is channeled into one file. In order to facilitate control of the file and accommodate multiple subject(s) matters, a numbering system is used to indicate:

- (1) general classification and nature of violation;
- (2) the individual case file in this category; and
- (3) serialization of individual pieces of mail in the file.

For instance, the number 7-100-10 on a piece of mail indicates it is the 10th piece of mail in the 100th file assigned to the Kidnaping (7) classification.

(D) The FBI has 191 classifications used in its basic filing system. They pertain primarily to the Federal violations over which the FBI has investigative jurisdiction. However, included in the 191 classifications are personnel, applicant and administrative matters.

The key to these numerically maintained files is our general indices, consisting of index cards on all manner of subject matters but primarily a name index of individuals. This index must be searched to determine what information, if any, the FBI may have in its files. (A separate search in the Identification Division is necessary in order to accurately determine what information the Bureau may have in its fingerprint records.)

(E) The FBIHQ system contains over 6,000,000 volumes of files and an index to the files of more than 60,000,000 cards. Average daily activity includes processing 9,000 name check forms received from other Government agencies, handling 4,000 file requests and processing 5,000 pieces of mail for file. This high volume of activity requires over 1,150 employees for service and maintenance.

In order to more fully understand the record system, there is attached as Exhibit A, a diagram showing how a piece of mail is processed at FBIHQ and becomes part of a file in the FBI Central Records System.

(F) The following is a brief explanation of the system:

(i) RECEIVING AND ROUTING OF MAIL

All mail addressed to the FBI (except fingerprint cards and related Identification Division matters) is received in the Routing Unit, Records Systems Section, of the Records Management Division. Employees of this unit open all mail, place a block stamp on the mail to indicate the date the mail was received, and determine from the nature of the mail, the correct Division, Section or person in FBIHQ who should receive the mail for proper handling.

If the mail is of an expedite nature, it is sent by messenger service directly to the responsible division. As soon as necessary action has been taken on the expedite mail by the responsible division, it is sent to the Classifying Unit. If it does not fall into the expedite category, the mail is then sent to the Classifying Unit.

(ii) CLASSIFYING AND INDEXING MAIL

Employees in the Classifying Unit determine which of the 191 basic classifications will be applied to the mail. This step places the mail in a basic category and the classification number is written on the mail and thus becomes the first part of the file number.

Employees in the Classifying Unit also review the mail to determine how it should be indexed. Generally speaking, the subject matter in the caption of a communication is marked for indexing and is usually referred to as the main subject of the file. Other significant names, or subject matter, mentioned in the communications are marked for indexing to facilitate future retrieval.

(iii) SEARCHING FOR FILE NUMBER

After the mail has been classified and marked for indexing, a search is conducted to determine if there is an existing file in which the mail should be placed. If there is an existing file on the subject matter being searched, the same case file number is written on the mail. If, on the other hand, there is no existing file that agrees with the subject matter being searched, the next consecutive case number within the applicable classification is assigned to the mail. A new file is thereby established and the piece of mail becomes the first serial in the file.

(iv) SERIALIZATION OR NUMBERING OF MAIL

Serial numbers for the individual pieces of mail are applied in numerical sequence as received at FBIHQ after the file has been established.

(v) PREPARING INDEX CARDS

The next step in the mail processing function is the preparation of index cards on the subject matter that has been marked for indexing. The mail is then forwarded to the appropriate officials and supervisors for proper handling. After they have taken necessary action, the mail is initialed and then forwarded for filing.

(vi) FILING MAIL

Prior to being filed, the mail is checked to determine if it has been properly processed and initialed, which indicates that all necessary action has been taken.

James W. Awe
JAMES W. AWE
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and Sworn to before me this 4th day
of February, 1977.

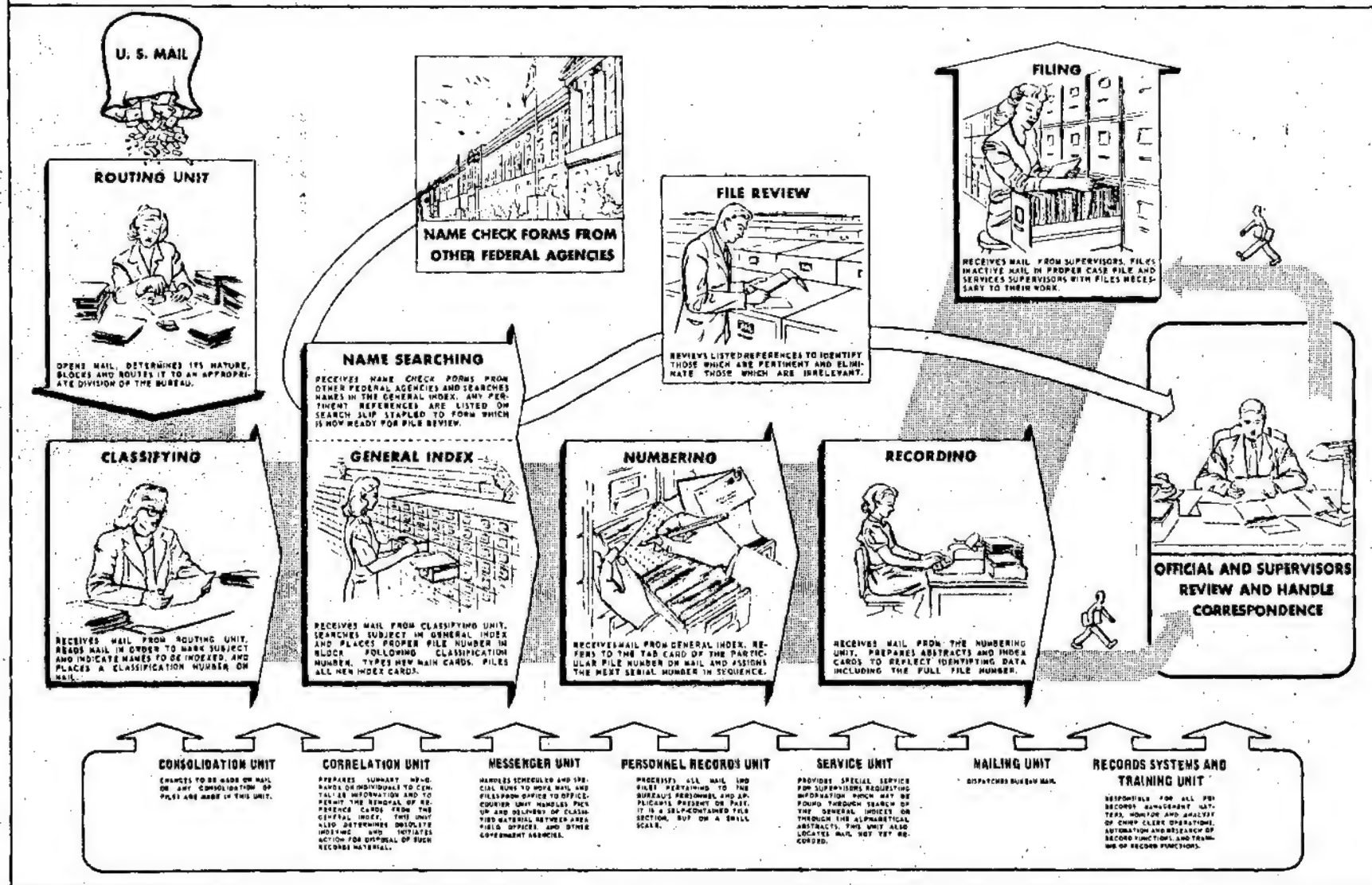
Mildred M. Auster
Notary Public

My Commission expires My Commission Expires September 14, 1981

"EXHIBIT A"

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-16-2008 BY 60322/UCLRP/PJ/EHL



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELDRIDGE AND KATHLEEN CLEAVER,

Plaintiffs

v.

Civil Action No.
76-0795

CLARENCE M. KELLEY, et al.

Defendants

THIRD AFFIDAVIT OF FRANK UNDERWOOD, III

I, Frank Underwood, III, being duly sworn, depose
and say as follows:

(1) I am a Special Agent of the Federal Bureau
of Investigation (FBI), assigned in a supervisory capacity
to the Freedom of Information - Privacy Acts (FOI-PA) Branch,
Records Management Division, at FBI Headquarters (FBIHQ),
Washington, D. C.

(2) Due to the nature of my official duties, I
am personally familiar with the procedures we have followed
in responding to plaintiff's Freedom of Information Act
(FOIA) request for certain material in our possession. The
information furnished herein is based upon my personal
knowledge, obtained in my official capacity.

(3) I am aware of the Order of this Court dated
December 22, 1976, and am familiar with the procedures we
followed in order to comply in the time allotted by the
Court with that Order. Reference is hereby made to my
affidavits dated December 28, 1976, and January 12, 1977.

(4) My affidavit dated January 12, 1977, states
that "main" files pertaining to plaintiffs and the Black
Panther Party (BPP) and "see" references on plaintiffs

ENCLOSURE

100-442251-1386

were processed for the time period August 1, 1967, through April 30, 1968, in response to their FOIA request.

(5) A search of the FBI General Indices (described in Second Affidavit of Frank Underwood III, dated January 12, 1977) to our Central Records System (described in affidavit of James W. Awe, dated February 4, 1977,) was conducted in order to retrieve the main file volumes and "see" references which were subsequently processed and which resulted in the FOIA disclosure of documents to plaintiffs' attorney on January 12, 1977, covering the time period August 1, 1967, through April 30, 1968. A search of the General Indices, in addition to retrieving the main files, would have retrieved all data under "see" references, previously indexed pertaining to Leroy Eldridge Cleaver and Kathleen Cleaver within that time frame. ("See" reference index cards in the General Indices bear the name of an individual, organization, activity, or the like, which is referred to in, but is not the main subject of, a file maintained in our Central Records System.) This system of data retrieval, (FBI General Indices), would include indexed "see" references to Leroy Eldridge Cleaver and Kathleen Cleaver in any files maintained by the FBI and would include any files mentioned and characterized in plaintiffs' "Memorandum Of Points And Authorities In Support Of Plaintiffs' Motion To Compel Government To Fully And Deligently Comply With District Court Order And Ancillary Relief." Therein, plaintiffs mentioned such items as: "Cointelpro," "Student Non-Violent Coordinating Committee (SNCC)," "Peace And Freedom Party," "Cominfil," "Racial Matters," "Black Nationalist Hate Groups," "Hate-Type Organizations,"

"Racial Militants," "Ghetto Informant Program," "Key Activists," "Urban Guerrilla Warfare," "Rabble Rouser Index," "Security Index," "Peace And Freedom Party," and "Ramparts Magazine."



FRANK UNDERWOOD, III
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and Sworn to before me this 7th day
of February, 1977.



Mildred M. Foster
Notary Public

My Commission expires My Commission Expires September 14, 1981

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-16-2008 BY 60322/UCLRP/PJ/EHL

E F T O

CLEAR

Date 2/8/77

TO: DIRECTOR, FBI (100-447251)
 (ATTN: LEGAL COUNSEL DIVISION AND GENERAL INVESTIGATIVE DIVISION)

FROM: SAC, SAN FRANCISCO (66-3564-A) (P)

SUBJECT: PEOPLE OF STATE OF CALIFORNIA VS.
 LEROY ELDRIDGE CLEAVER
 SUPERIOR COURT, STATE OF CALIFORNIA
 COUNTY OF ALAMEDA, SUBPOENA FOR FEBRUARY 18, 1977.
 BUFILE (100-447251)
 SAN FRANCISCO FILES: 66-3564-A, 66-4556, 88-12329,
 157-4324.
 LEGAL MATTERS; FOIPA; UFAP AND RACIAL MATTERS

Re San Francisco Teletype to Bureau, 2/8/77.

Enclosed herewith are four copies of Subpoena, along with four copies each of "Exhibit A" and Gag Order, all of which received by San Francisco Division, 2/7/77.

Bureau requested to Sutel Department Instructions re release of requested documents

12-ENCLOSURE
 1 cc encl to FOIPA Unit
 1 cc encl to 11/77 SPD. Div 11/77
 1 cc encl to 7326, Div 11/77
 2 - Bureau
 4 - San Francisco
 1 - 66-3564-A
 1 - 66-4556
 1 - 88-12329
 1 - 157-4324

RLW/saq
 (6)

SF Tel. 2/11/77
 CC Div 2/11/77
 advised by SF
 will be in SF
 handled - no
 document with
 at this time
 SPD

100-447251-1387
 14 FEB 10 1977

REC-26

LEGAL COUNSEL
 JAM/SPD

Approved
 67 FEB 24 1977

Transmitted

(Number)

(Time)

Per

b6
 b7C

1
2 ALL INFORMATION CONTAINED
3 HEREIN IS UNCLASSIFIED
4 DATE 10-16-2008 BY 60322/UCLRP/PJ/EHL

5 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
6 IN AND FOR THE COUNTY OF ALAMEDA
7 BEFORE THE HONORABLE ALAN A. LINDSAY, JUDGE
8 DEPARTMENT ELEVEN

9 ----oOo----

10 THE PEOPLE OF THE STATE OF)
11 CALIFORNIA,)

12 Plaintiff,)

No. 42278

13 vs.)

14 ELDRIDGE CLEAVER,)

15 Defendant.)

ORDER RE PUBLICITY

16 ----oOo----

17 At the time of the incident which gave rise to the charges
18 filed against the defendant in this matter, and for the past
19 months since the defendant's return to this jurisdiction, there
20 has been a great deal of publicity concerning this case in the
21 various news media.

22 Inasmuch as the time of trial is now approaching and it has
23 been indicated that motions will soon be before the Court in
24 which evidence will be produced, in order that further hearings
25 and the trial be conducted in a fair and objective manner, without
26 being influenced by comments and discussions outside the courtroom,
27 the Court makes the following order:

28 IT IS THE ORDER OF THIS COURT that no party to this action,
29 nor any attorney connected with this case as defense counsel or as
30 prosecutor, nor any other attorney, nor any judicial officer or
31 employee, nor any public official, including but not limited to
32 any chief of police, nor any sheriff, nor any agent, deputy or

1 employee of any such persons, nor any grand juror, nor any witness
2 having appeared before the Grand Jury in this matter, nor any
3 person subpoenaed to testify at the trial or any pre-trial hearing
4 of this matter, shall release or authorize the release for public
5 dissemination of any purported extrajudicial statement of
6 the defendant relating to this case, nor shall any such persons
7 release or authorize the release of any documents, exhibits, or any
8 evidence which such person believes or alleges to be relevant to
9 this case, nor shall any such person make any statement for public
10 dissemination as to the existence or possible existence of any
11 document, exhibit, or any other evidence, including but not limited
12 to any statements or evidence produced at the Grand Jury hearing
13 in this matter, or any other evidence which such person believes
14 or alleges to be relevant to this case.

15 Nor shall any such persons express outside of court an opinion
16 or make any comment for public dissemination as to the weight,
17 value or effect of any evidence as tending to establish guilt or
18 innocence.

19 Nor shall any such persons issue any statement as to the
20 identity of any prospective witness or his probable testimony or
21 the effect thereof.

22 Nor shall any person make any out-of-court statement as to
23 the nature, source, or effect of any purported evidence alleged to
24 have been accumulated as a result of the investigation of this
25 matter.

26 Nor shall any such person or any witness, whether or not
27 under subpoena, make any statements as to the content, nature,
28 substance, or effect of any testimony which may be given in any
29 proceeding related to this matter, except that a witness may dis-
30 cuss any matter with any attorney of record or agent thereof.

31 This order does not include any of the following:

32 (1) Factual statements of any of the defendant's name, age,

1 residence, occupation, and family status.

2 (2) The circumstances of the arrest, namely, the time and
3 place of the arrest, the identity of the arresting and investigat-
4 ing officers and agencies, and the length of the investigation.

5 (3) The nature, substance, and text of the charge, including
6 a brief description of the offenses charged.

7 (4) The scheduling and result of any stage of the judicial
8 proceedings held in open court in an open or public session.

9 (5) A request for assistance in obtaining evidence.

10 (6) Any information as to any person not in custody who is
11 sought as a possible suspect or witness, nor any statement aimed
12 at warning the public of any possible danger as to such person not
13 in custody.

14 (7) A request for assistance in the obtaining of evidence
15 or the names of possible witnesses.

16 Further, this Order is not intended to preclude any witness
17 from discussing any matter in connection with the case with any of
18 the attorneys representing the defendant or the People, or any
19 representatives of such attorneys.

20 IT IS FURTHER ORDERED that a copy of this Order shall be
21 attached to any subpoena served on any witness in this matter, and
22 that the return of service of the subpoena shall also include the
23 fact of service of a copy of this Order.

24 This Order shall be in force until this matter has been dis-
25 posed of or until further order of court.

26 Dated this 23rd day of August, 1976.

27 *Alan C. Priddy*
28 _____
29 JUDGE OF THE SUPERIOR COURT
30
31
32

1 JOHN W. KEKER
2 Kipperman, Shawn, Keker & Brockett
3 407 Sansome Street
4 Suite 400
5 San Francisco, California 94111
6 Telephone: (415) 788-2200

7 MARCUS S. TOPEL
8 360 Pine Street
9 Penthouse Suite
10 San Francisco, California 94104
11 Telephone: (415) 421-6140

12 Attorneys for Defendant ELDRIDGE CLEAVER

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF ALAMEDA

15 PEOPLE OF THE STATE)
16 OF CALIFORNIA,)

17 Plaintiff,)

NO. 42287

18 v.)

19 LEROY ELDRIDGE CLEAVER,)

AFFIDAVIT OF JOHN W. KEKER
IN SUPPORT OF SUBPOENA
DUCES TECUM

20 Defendant.)

21 STATE OF CALIFORNIA)

22 CITY AND COUNTY OF SAN FRANCISCO)

ss.

23 I, JOHN W. KEKER, being duly sworn, deposes and states:

24 1. I am an attorney of record for the defendant in this
25 action, which is set for jury trial on May 9, 1977, in the
26 Alameda County Superior Court.

2. On information and belief, the witness subpoenaed, or his
duly authorized representative, has in his possession or under his
control the documents described in Exhibit "A", which is attached

1 to the accompanying subpoena duces tecum.

2 3. The information requested is material to a proper and
3 fair presentation of the defense of my client, and will facilitate
4 the ascertainment of the facts in this case, for the following
5 reasons which I set forth on information and belief, based on
6 my examination of documents available to me.

7 Eldridge Cleaver was indicted on April 24, 1968, on
8 three charges of attempted murder and three charges of assault with
9 a deadly weapon. All charges stem from an incident on April 6,
10 1968, involving members of the Oakland and Emeryville Police
11 Departments and members of the Black Panther Party. Each of the
12 persons allegedly assaulted by Eldridge Cleaver -- Nolan Darnell,
13 Richard Jensen, and John Schlim -- were at the time members of
14 the Oakland Police Department.

15 Officers Darnell and Jensen have testified that the incident
16 began when they were fired upon without provocation. They claim
17 that they employed no unnecessary, excessive or illegal force.
18 Officer Schlim has testified to the effect that the alleged assault
19 upon him occurred while he was trying to apprehend suspects in the
20 basement of or alley adjacent to 1218 28th Street, Oakland, the
21 address at which Eldridge Cleaver was arrested. Numerous officers
22 have testified before the Grand Jury that returned the indictment
23 against Eldridge Cleaver and at trials of co-defendants that
24 Bobby Hutton, arrested at the same time and place as Eldridge
25 Cleaver, was shot and killed trying to escape.

26 On the other hand, co-defendant David Hilliard has testified

1 that the incident began when Officers Darnell and/or Jensen began
2 firing their guns, without cause or justification. Further, the
3 Honorable Raymond J. Sherwin, Judge of the Superior Court of
4 Solano County, found that Eldridge Cleaver's only handling of a
5 firearm on the night of April 6, 1968 was in obedience to a police
6 command. Statements made by other police officers present at the
7 scene of the arrest, statements not presented to the Grand Jury,
8 contradict the testifying officers' description of the killing
9 of Bobby Hutton, and indicate that Bobby Hutton was not trying to
10 escape when he was killed by policemen.

11 Each of the officers who has testified has explained his
12 presence at the location of the incident occurred as a result of
13 normal police practices and procedures. However, on April 6, 1968,
14 Eldridge Cleaver and other members of the Black Panther Party
15 believed they were the objects of a police vendetta. On and before
16 the date of the incident, Eldridge Cleaver received numerous
17 telephone calls from unnamed sources, such calls coming not only to
18 his home, but to whatever house he visited. The pattern of the
19 calls, and the fact that the anonymous callers somehow knew both
20 Cleaver's travel plans and his whereabouts, strongly suggests the
21 use of electronic surveillance of Eldridge Cleaver's phone, of the
22 phones in the Black Panther Party office, and of the phones of
23 Eldridge Cleaver's friends, acquaintances and fellow party members.

24 Emory Douglas, the Minister of Culture of the Black Panther
25 Party at the time of the incident, has testified that on April 5,
26 1968, he received anonymous telephone calls at Black Panther Party

1 Headquarters, which calls threatened the lives of Black Panther
2 Party members, and specifically threatened the life of Eldridge
3 Cleaver. Such calls are believed to result from intelligence
4 activity of some governmental agency.

5 On April 6, 1968, the date of the incident, a person claiming
6 to be associated with the San Francisco Police Department came to
7 Black Panther Party Headquarters in Oakland, California to say he
8 would be a pipeline for the Black Panthers, and stating further
9 that the police were going to try and trick the Panthers so that
10 the police could kill them. The officer further warned that the
11 Oakland Police Department was planning to raid Black Panther
12 Headquarters and advised that any weapons be removed therefrom.
13 This alleged policeman has not been identified, and it is believed
14 that he was an operative of a government law enforcement agency,
15 acting in an undercover capacity to infiltrate, spy upon or
16 provoke the Black Panthers.

17 The Federal Bureau of Investigation maintained surveillance
18 on Black Panther Party Headquarters and upon Party-related locations
19 beginning no later than February 26, 1968, and continuing up to and
20 including the date of the incident. In addition, the long distance
21 numbers called from Cleaver's home phone were investigated as early
22 as December, 1967, by the Federal Bureau of Investigation and/or
23 other governmental agencies; some persons to whom Cleaver placed
24 calls were also investigated. Cleaver was listed on the Federal
25 Bureau of Investigation's Security Index; a separate listing on the
26 FBI's "Rabble Rouser Index" was reserved for the Black Panther Party

1 and identified members thereof, including Eldridge and Kathleen
2 Cleaver. By the date of the incident one or more informants
3 reporting to the FBI and/or to other governmental agencies had
4 infiltrated the Black Panther Party and were in positions whence
5 they could both report on the planned activities of the Black
6 Panther and also effectuate disruptive tactics directed by their
7 employer agency. The FBI regularly transmitted to local law
8 enforcement agencies, and also to the OSI, the Secret Service,
9 the intelligence agencies of the Army and Navy, and other
10 domestic intelligence agencies, information gathered from such
11 informants and surveillance, and notified such agencies of
12 the plans and activities of Eldridge Cleaver and the Black Panther
13 Party.

14 As early as 1961, the California Department of Corrections
15 had targeted Eldridge Cleaver as a black activist and follower of
16 the Black Muslim Movement. Prior to the release of Cleaver from
17 incarceration in December, 1966, the FBI requested the Department
18 of Corrections to identify and closely watch such "Malcolm X types"
19 and to notify the FBI upon their release so the FBI could continue
20 surveillance. Cleaver was so identified; in addition, the Special
21 Service apparatus of the Department of Corrections maintained
22 surveillance of Cleaver after his parole, in cooperation with
23 officials of the California Adult Authority.

24 Cleaver's association with persons identified by intelligence
25 agencies as Communists subjected him to further surveillance and
26 intelligence activities, including interception and copying of his

1 correspondence with his lawyer, Ms. Beverly Axelrod. Similarly,
2 Cleaver's ties to the Socialist Workers Party, Student Nonviolent
3 Coordinating Committee, the Peace and Freedom Party and other
4 "New Left" groups, which groups were the targets of surveillance
5 and intelligence activities of local and domestic law enforcement
6 and/or intelligence agencies, made him also a target of such
7 surveillance and intelligence activities.

8 Public documents have established that on or about the
9 date of the incident domestic intelligence activities were con-
10 ducted by various government law enforcement and intelligence
11 agencies against so-called black extremist groups, activities
12 designed to spy upon such groups, to disrupt their activities, to
13 assassinate or cause the assassination of their leaders, to
14 spread lies and untruths about such groups, to cause internal
15 dispute and dissension, in short, to eradicate such groups,
16 including the Black Panther Party. Much of this activity was
17 illegal. Eldridge Cleaver, the Black Panther Party, and its
18 members, Cleaver's friends, and organizations which he associated,
19 described in Exhibit "A", were targets of such surveillance and
20 activities conducted by some or all of the following governmental
21 agencies: The Federal Bureau of Investigation, the Secret
22 Service, the National Security Agency, the United States Army,
23 Navy and Air Force Intelligence agencies, the Internal Revenue
24 Service, the Central Intelligence Agency, the OSI, the Oakland
25 California Police Department, the Emeryville California Police
26 Department, the San Francisco Police Department, the Berkeley

1 Police Department, the California Department of Criminal
2 Investigation and Identification, the California Highway Patrol,
3 the California Adult Authority, the California Department of
4 Corrections, the National Security Agency, the Defense Intelligence
5 Agency, the Racial Intelligence Agency, the San Francisco Attorney
6 General's Office, the Sacramento Attorney General's Office, the
7 San Francisco District Attorney's Office, and the Alameda County
8 District Attorney's Office.

9 Intelligence activities conducted by government agencies
10 after April 6, 1968, included electronic surveillance of Cleaver's
11 attorneys and interception of confidential communications and
12 information. Such conduct is in violation of Cleaver's Sixth
13 Amendment rights.

14 The just described intelligence activities evidence the
15 interest on and about April 6, 1968, of domestic law enforcement
16 and intelligence agencies in the activities of Eldridge Cleaver,
17 the Black Panther Party, and Cleaver's friends and associates as
18 described in Exhibit "A". Further, the killing of Bobby Hutton
19 during the incident and the attendant violations of State and
20 Federal law spurred the interest of said agencies. The FBI
21 conducted an investigation of the incident, and has taken state-
22 ments from witnesses in addition to those heretofore produced at
23 trial or provided to the Oakland Police Department or to the
24 Alameda County District Attorney.

25 Defendant needs the subpoenaed materials on surveillance
26 of himself and the parties described in Exhibit "A" to the

1 Subpoena in order to prepare his defense, for the evidence relates
2 directly to the truth of police officers' assertions that their
3 presence at the scene of the arrest was the result of normal
4 police procedures, rather than the result of a purposeful and
5 concerted conspiracy among various law enforcement agencies to
6 harass, intimidate or even assassinate Eldridge Cleaver and/or
7 other Black Panthers. The evidence also directly bears upon
8 whether the officers' firing upon Eldridge Cleaver and the other
9 Black Panther Party members present at the scene of the incident
10 was an attempt to effectuate an arrest, was in self-defense, or
11 was intended to kill Eldridge Cleaver and/or other Black Panthers
12 without legal cause or justification. Further, as the bulk of the
13 surveillance was illegal and in violation of the First and Fourth
14 Amendment rights of Eldridge Cleaver and other Black Panthers, the
15 material is relevant and indispensable to planned and potential
16 motions to suppress or exclude evidence as illegally seized or as
17 the fruit of a search in contravention of the Constitution. The
18 material also relates to Cleaver's state of mind on April 6, 1968, as
19 to whether the officers were in the course of official duty, and
20 to the officers' propensity for violence. Documents relating to
21 intelligence activity after April 6, 1968, are necessary for
22 potential motions to dismiss the charges for prosecutorial mis-
23 conduct, and to exclude evidence obtained through violations of
24 Eldridge Cleaver's Fourth and Sixth Amendment rights. The
25 records will also relate to the truthfulness of witnesses' state-
26 ments and testimony concerning the incident, an issue particularly


1 important here where the likelihood that Bobby Hutton was murdered
2 by police officers immediately following his arrest provides
3 motive, bias and interest for the police officers to have distorted
4 their public testimony about the preceding conduct of Hutton and
5 Cleaver.

6 4. The material subpoenaed is not available for inspection
7 by the general public, and the defendant cannot obtain such
8 material through his own efforts.

9
10 DATED: February 3rd, 1977

11
12 
13 JOHN W. KEKER
14

15 Subscribed and sworn to before me this 3rd day of February, 1977.
16

17
18 
19 NOTARY PUBLIC



SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

PEOPLE OF THE STATE
OF CALIFORNIA,

Plaintiff,

v.

LEROY ELDRIDGE CLEAVER,

Defendant.

NO. 42287

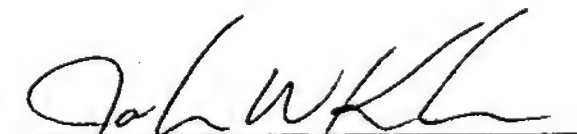
SUBPOENA

TO: CUSTODIAN OF RECORDS OF The Federal Bureau of
Investigation, San Francisco Field Office:

You are hereby commanded to appear before the
Honorable Alan A. Lindsay of the Superior Court of Alameda
County, Department 11, at 1225 Fallon Street, Oakland,
California, on February 18, 1977, at 2:00 p.m., as a
witness in a criminal action prosecuted by the people of
the State of California against Eldridge Cleaver.

You are required, also, to bring with you papers
described in Exhibit "A" attached to this Subpoena. Your
personal presence is not required.

Given under my hand this 2nd day of February, 1977.



JOHN W. KEKER

Counsel for Defendant Eldridge Cleaver

1 JOHN W. KEKER
2 Kipperman, Shawn, Keker & Brockett
3 407 Sansome Street
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11 Telephone: (415) 421-6140

12 Attorneys for Defendant ELDRIDGE CLEAVER

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF ALAMEDA

15 PEOPLE OF THE STATE)
16 OF CALIFORNIA,)

17 Plaintiff,)

NO. 42287

18 v.)

19 LEROY ELDRIDGE CLEAVER,)

EXHIBIT "A"

20 Defendant.)

21 Any and all actual voice records, tapes, mechanical or
22 electrical recordings, as well as written transcripts, logs,
23 summaries, reports, memoranda, letters, airtels, notes, and other
24 records of any form whatsoever in your possession, actual or
25 constructive, or available to you, or obtainable from local
26 offices or the main offices or headquarters or archives of your
agency of:

(1) Any electronic or other surveillance of Eldridge Cleaver.

(2) Any electronic or other surveillance of the Black

1 Panther Party or its members, or of Cleaver's associates and
2 associated organizations (as listed in Definitions and
3 Instructions, infra), if such communications relate in any way to
4 Eldridge Cleaver or to the incident charged as occurring on
5 April 6, 1968, or the events leading thereto.

6 (3) Any intelligence activities concerning Eldridge Cleaver,
7 conducted by, approved by, suggested by or participated in by any
8 of the following organizations:

9 The Federal Bureau of Investigation
The National Security Agency
10 The United States Army, Navy and Air Force Intelligence Agencies
The Office of Special Air Force Investigation (OSI)
11 The Oakland California Police Department
The Emeryville California Police Department
12 The San Francisco Police Department
The Berkeley Police Department
13 The California Department of Criminal Investigation and
Identification
14 The California Highway Patrol
The California Adult Authority
15 The California Department of Corrections
The Defense Intelligence Agency
16 The San Francisco Attorney General's Office
The Sacramento Attorney General's Office
17 The California Attorney General's Office
The San Francisco District Attorney's Office
18 The Alameda County District Attorney's Office
The Internal Revenue Service
19 The Central Intelligence Agency

20 (4) Any intelligence activities conducted by any organization
21 listed in Paragraph 3 concerning the Black Panther Party or its
22 members, or Cleaver's friends and organizations with which Cleaver
23 was associated, if the record of such activity mentions or
24 concerns Eldridge Cleaver or the April 6, 1968 incident or the
25 events leading thereto.

26 ////

1 (5) Applications for executive, administrative, or judicial
2 approval of such surveillance or activities, as described above,
3 and responses to such applications.

4 (6) Intelligence activity concerning or surveillance of
5 Cleaver's attorneys, as listed below:

6 Marcus S. Topel
7 John Keker
8 Jed Somit
9 Maxine Snyder
10 George Higgins
11 Ephriam Margolis
12 Samuel Gross
13 Patrick Sarsfield Hallinan
14 Benjamin Dreyfus
15 Frank Ryan
16 Quentin L. Kopp
17 Ruth Astle
18 Edmund Brown
19 John George
20 Charles Garry

21 DEFINITIONS AND INSTRUCTIONS

22 Paragraph 1 includes surveillance of any wire or oral
23 communications as to which the person intercepting the
24 communication was a party to the conversation, communications as
25 to which a party to the conversation allegedly consented to
26 surveillance, communications intercepted under the "emergency"
provision contained in 18 U.S.C. Section 2518(7), communications
intercepted under the "national security" provisions contained

1 in 18 U.S.C. Section 2511(3), communications intercepted pursuant
2 to California Penal Code Section 630-637.2, and generally, all
3 communications, intercepted with or without judicial authorization.

4 "Intelligence activity[ies]" as used herein includes, but
5 is not limited to, surveillance, "bugging" or "tapping",
6 protecting, harassing, spreading information (whether true or
7 untrue) concerning, sending letters to, making calls to,
8 intercepting calls to or from, intercepting mail or other
9 communications to or from, trying to disrupt, interfere with,
10 impede, or otherwise affect the activities of, infiltrating,
11 relaying or uncovering or gathering information about,
12 burglarizing the home or offices of, trying to cause dispute
13 or dissension or enmity between, or otherwise spying upon or
14 affecting or interfering with the activities, behavior or
15 operations of the persons and entities listed below:

16
17
18
19 BLACK PANTHER PARTY MEMBERS

20
21 Kathleen Cleaver
22 Huey P. Newton
23 Robert Bay
24 Melvin Newton
25 Bobby Seale
26 John Seale
Artie Seale
Joanne Mitchell
Sam Napier

Bobby Hutton
Reginald Forte
Shewin Forte
John Bowman
James Bealum
Fred Nolan
Warren Tucker
Carlotta Simon
Barbara Easley

1 Emory Douglass
 Audrey Houston
 2 Barbara Arthur
 George Murray
 3 Elbert "Big Man" Howard
 "Jolly"
 4 "Capt. Crutch" Halliday
 Harvey
 5 David Hilliard
 Roosevelt "June" Hilliard
 6 Tommy Jones
 Glen Stafford
 7 Raymond "Masai" Hewitt
 Dexter Woods
 8 Wade "Speedy" Woods
 Lafayette Robinson
 9 Bruce Cocherhan
 Darnell Lankford
 10 Brenda Presley
 Ron Pennywell
 11 Gregory Harrison
 Mark Comfort
 12 George Sams
 Yolande Lewis
 13 Bayle Bell
 Virtual Murrell
 14 Fred Bennett
 John Sloane
 15 Ernest Hatter
 Benny Yates
 16 Kenneth Carter
 Jean & Larry Powell
 17 Alprentice "Bunchy" Carter
 Jordan Ford
 18 Kenny Dennman
 Roland Freeman

Landon Williams
 David Major
 Raymond Lewis
 Betty Bogart
 Judy Hart
 Ruth Hagwood
 George Gaines
 Earl Anthony
 Willie Thompson
 Warren Wells
 Leo Brazile
 Densil Dowell
 Goerge Dowell
 John A. Scott
 James Dowell
 Richard Brown
 Rosemary Grass
 Mark Johnson
 Wendell Wade
 Oleander Harrison
 Clayborne
 Jimmy Wade
 Rory Hithe
 Janice Forte
 Connie Matthews
 "Little Joe"
 Gene Stancil
 John Bethea
 Truman Harris
 Albert Kommo (or Commo)
 Terry Cotton
 Jim Woods
 Arthur "Carter"
 John Huggins
 Ronald Freeman

20 FRIENDS AND ORGANIZATIONS ASSOCIATED
 21 WITH CLEAVER

22 Sid Walton
 Father Earl Neil
 23 Edith Austin
 John George
 24 Ronald V. Dellums
 Hon. Willie Brown
 25 Hon. Mervyn Dymally
 Welvin Stroud
 26 Jimmy Garrett
 Lothario Lotho

Stewart Albert
 Jerry Rubin
 Martin Kenner
 Robert Sheer
 Warren Hinckle
 Paul Jacobs
 Hal Supriano
 Peter Camejo (SWP)
 Bib Himmel
 Mike Delacour

1	Jerry Varnado	Bob Avakian
	Reggie Major	Mike Parket
2	Roscoe Proctor (CPUSA)	Terry Cannon
	Frederika Kushner	Karen Wald
3	Vincent Lynch	Mal Burnstein
	Bennie Ivey	Ed Keating
4	Beverly Axelrod	James Forman
	Rap Brown	Willie Ricks
5	George Ware	Stokely Carmichael
	The Black Panther Party or local offices thereof	
6	The Black Panther Party for Self Defense	
	United Slaves - U.S.	
7	Black Panther Party of Northern California	
	The National of Islam	
8	I AM	
	African American Historical and Cultural Society	
9	Black Student's Union (San Francisco State College)	
	Student Nonviolent Coordinating Committee	
10	The Black House	
	"The Movement" Newspaper	
11	Friends of SNCC	
	The National Guardian Newspaper	
12	Communist Party, U.S.A.	
	Socialist Worker's Party	
13	Committee for New Politics	
	International Socialist Club	
14	Peace and Freedom Party	
	Midpeninsula Observer Newspaper	
15	Ramparts Magazine	

16

17

18 The "incident of April 6, 1968" refers to the occurrences
 19 on that date described in Paragraph 3 of the attached
 20 Affidavit.

21

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

PP HI

DE SF 013

P 090019Z FEB 77

FEB 08 1977

TELETYPE

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Intell. _____
Lab. _____
Plan. & Insp. _____
Rec. Mgmt. _____
S. & T. Serv. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director's Sec'y _____

FM SAC, SAN FRANCISCO (66-3564-A) (P)

TO DIRECTOR (100-44725L) PRIORITY

BT

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-16-2008 BY 60322/JCLRP/PJ/EH

CLEAR

ATTENTION LEGAL COUNSEL DIVISION, AND GENERAL INVESTIGATIVE
DIVISION.

PEOPLE OF STATE OF CALIFORNIA VS. LEROY ELDRIDGE CLEAVER,
SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF ALAMEDA, SUBPOENA
FOR FEBRUARY 18, 1977. BUFILE (100-44725L) (SAN FRANCISCO

FILES 66-3564-A, 66-4556, 88-L2325, AND 157-4324.

ON FEBRUARY 7, 1977, SAN FRANCISCO DIVISION WAS SERVED
WITH A SUBPOENA IN ABOVE CAPTIONED CASE INVOLVING LOCAL PROSE-
CUTION OF LEROY ELDRIDGE CLEAVER BY ALAMEDA COUNTY AUTHORITIES.

CAPTIONED STATE PROSECUTIVE ACTION CONCERNING ALLEGED
ASSAULT AND ATTEMPTED MURDER OF OAKLAND AND EMERYVILLE, CALIFORNIA
POLICE OFFICERS ON APRIL 6, 1968.

*Legal Counsel
Mr. Stephonically
contacted SF
Principal Legal Instructor
2/10/77 and advised that
Dpt. Atty John Bangs
Civil Div. is going out
to handle in person. Instructions
will be sent to SF office
discussed with Dpt. Atty.*

55 MAR 3 1977

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PAGE TWO SF 66-3564-A C L E A R

SUBPOENA COMMANDS APPEARANCE OF CUSTODIAN OF RECORDS, FBI, SAN FRANCISCO FIELD OFFICE FOR PURPOSE OF PRODUCING VOLUMINOUS DOCUMENTS AND TAPES ALLEGEDLY MAINTAINED BY SAN FRANCISCO DIVISION.

THE DOCUMENTS AND TAPES REQUESTED RELATE TO:

1. ANY ELECTRONIC OR OTHER SURVEILLANCE OF ^VELDRIDGE CLEAVER.
2. ANY ELECTRONIC OR OTHER SURVEILLANCE OF THE BLACK PANTHER PARTY, ITS MEMBERS, OR OF CLEAVERS ASSOCIATES AND ASSOCIATED ORGANIZATIONS, IF SUCH COMMUNICATIONS RELATE IN ANY WAY TO CLEAVER OR TO INCIDENT CHARGED ON APRIL 6, 1968.
3. ANY INTELLIGENCE ACTIVITIES RE CLEAVER CONDUCTED BY FBI AND NUMEROUS FEDERAL AND STATE AGENCIES, (TOTAL OF TWENTY ORGANIZATIONS).
4. ANY INTELLIGENCE ACTIVITIES CONDUCTED BY THE ORGANIZATIONS ENUMERATED IN PARAGRAPH THREE CONCERNING ^{BT}BT OR MEMBERS OR CLEAVER'S FRIENDS, OR ORGANIZATIONS WITH WHICH HE WAS ASSOCIATED, IF RECORD OF ACTIVITY RELATES TO INCIDENT ON APRIL 6, 1968 OR ^{EVERY}THENCE LEADING THERETO. (DOCUMENT LISTS 89 ^{PP}BT MEMBERS, 38 FRIENDS, AND 20 ORGANIZATIONS WITH WHICH CLEAVER ASSOCIATED.)

PAGE THREE SF 66-3564-A C L E A R

5. APPLICATION FOR EXECUTIVE, LEGISLATIVE, OR JUDICIAL APPROVAL OF SUCH SURVEILLANCE OR ACTIVITY AND RESPONSE TO APPLICATION.

6. INTELLIGENCE ACTIVITY CONCERNING OR SURVEILLANCE OF CLEAVER'S ATTORNEYS. (DOCUMENT LISTS 15 ATTORNEYS.)

DEFENSE ATTORNEYS IN CAPTIONED LOCAL CASE ALLEGE ABOVE DOCUMENTS NECESSARY FOR PREPARATION OF CLEAVER'S DEFENSE AS IT RELATES TO FOLLOWING:

TRUTH OF POLICE OFFICER'S ASSERTION THAT THEIR PRESENCE AT SCENE WAS RESULT OF NORMAL POLICE PROCEDURES, AND WHETHER THEIR FIRING AT CLEAVER WAS AN ATTEMPT TO EFFECTUATE AN ARREST OR AN ATTEMPT TO KILL CLEAVER; SUPPRESSION OF ILLEGALLY OBTAINED EVIDENCE; AND CLEAVER'S STATE OF MIND ON APRIL 6, 1968.

AUSA F. STEELE LANGFORD, CONSULTED FEBRUARY 7, 1977, RE SUBPOENA. LANGFORD CURRENTLY STUDYING SUBPOENA. HE INDICATED HIS INITIAL IMPRESSION IS THAT SUBPOENA IS TOO BROAD AND WOULD BE UNREASONABLE BURDEN TO IMPOSE ON BUREAU. HE BELIEVES SUBPOENA SHOULD BE RESISTED AT LEAST IN PART. LANGFORD STATED THAT INSTRUCTIONS FROM DEPARTMENT OF JUSTICE WOULD IN THIS CASE BE HIGHLY DESIRABLE AND APPROPRIATE, NOTING HISTORY OF

PAGE FOUR SF 66-3564-A C L E A R

ELECTRONIC SURVEILLANCE CONTROVERSY IN PAST RELATED CASES, AND
ALSO RECENT FBI MATERIAL (1,330 PAGES) FURNISHED CLEAVER UNDER
FOIA.

BUREAU REQUESTED TO SUTEL DEPARTMENT INSTRUCTIONS RE RE-
LEASE OF REQUESTED DOCUMENTS.

AIRTEL FOLLOWS.

BT

/// *See LCD
notation on
pg 1.*

CC: GENERAL INV. DIV.

ELDRIDGE) KATHLEEN CLEAVER,)

Plaintiffs,)

v.)

Civil Action No. 76-0795

CLARENCE M. KELLEY, et al.,)

Defendants.)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-16-2008 BY 60322/UCLRP/PJ/EHL

NOTICE TO TAKE DEPOSITION

TO: Counsel for Defendants

You are hereby notified that the deposition of Charles Gain, Chief of Police, City and County of San Francisco, California, will be taken at the law offices of John Keker, Esquire, Kipperman, Shawn, Keker & Brockett, 407 Sansome Street, Suite 400, San Francisco, California, on Friday, February 25, 1977, at 10:00 a.m., and that the taking of said deposition, if not completed that day, will be continued from day to day at the same place until completed.

*Rec'd from
Bureau
Dep. 2/15/77
att'y
WJH*

Terry F. Lenzner
Terry F. Lenzner

Robert B. Cornell
Robert B. Cornell

100-447251-

NOT RECORDED

Wald, Harkrader & Ross⁶ FEB 18 1977
910 17th Street, N.W.
Washington, D.C. 20006
(202) 872-8155

Counsel for Plaintiffs

Dated: February 11, 1977

11- [Redacted Box]

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b7C

51-3648
FEB 23 1977

I hereby certify that a copy of the foregoing Notice
To Take Deposition was mailed, postage prepaid, this 11th day of
February, 1977, to:

Joseph Guerrieri, Esquire
Assistant United States Attorney
United States Courthouse
Room 3415
Constitution Avenue and John
Marshall Place
Washington, D.C. 20001

Bruce E. Titus, Esquire
Deputy Chief
Information and Privacy Unit
Civil Division
Department of Justice
Washington, D.C. 20530

Barbara Ward, Esquire
Department of Justice
Room 3411
Washington, D.C. 20530


Robert B. Cornell

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	_____
Adm. Serv.	_____
Ext. Affairs	_____
Fin. & Pers.	_____
Gen. Inv.	_____
Ident.	_____
Intell.	_____
Lab.	_____
Plan. & Insp.	_____
Rec. Mgt.	_____
S. & T. Serv.	_____
Spec. Inv.	_____
Training	_____
Telephone Rm.	_____
Director's Sec'y	_____

RR HQ

DE SF 006

R 112136Z FEB 77

FEB 11 1977

TELETYPE

FM SAN FRANCISCO (66-3564-A) (P)

TO DIRECTOR (100-447251) ROUTINE

BT

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

CLEAR

DATE 10-16-2008 BY 60322/UCLRP/PJ/EHL

ATTENTION LEGAL COUNSEL DIVISION

PEOPLE OF STATE OF CALIFORNIA V. LEROY EDRIDGE CLEAVER,
SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF ALAMEDA,
SUBPOENA FOR FEBRUARY 18, 1977, LEGAL MATTERS.

REMYTEL AND AIRTEL FEBRUARY 8, 1977, AND BUREAU
TELCALL TO SAN FRANCISCO, FEBRUARY 10, 1977.

CAPTIONED STATE PROSECUTION IS BEING HANDLED BY DEPUTY
DISTRICT ATTORNEY THOMAS ORLOFF, ALAMEDA COUNTY DISTRICT
ATTORNEY'S OFFICE, OAKLAND, CALIFORNIA, TELEPHONE (415)
874-5887.

CLEAVER IS BEING CHARGED IN CAPTIONED PROSECUTION WITH
THREE COUNTS OF ATTEMPTED MURDER IN VIOLATION OF SECTION 187

55 MAR 3 1977

PA 66-8064- CLEAR

CALIFORNIA PENAL CODE; AND THREE COUNTS OF ASSAULT WITH A DEADLY WEAPON ON A POLICE OFFICER IN VIOLATION OF SECTION 245B, CALIFORNIA PENAL CODE. ALL VICTIM OFFICERS WERE OAKLAND PD OFFICERS AT TIME OF INCIDENT.

THERE ARE NO BAIL JUMPING OR CONSPIRACY COUNTS BEING CHARGED IN CONNECTION WITH CAPTIONED PROSECUTION. THERE IS UNDER CALIFORNIA LAW AN "ENHANCEMENT OF CONVICTION" PROVISION REGARD TO SENTENCING OF CLEAVER IF HE IS CONVICTED IN VIEW OF ASSAULT CONVICTION IN 1958.

BT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELDRIDGE AND KATHLEEN CLEAVER,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 76-795
)	
CLARENCE M. KELLEY, et al.,)	
)	
Defendants.)	

AFFIDAVIT OF LEON ULMAN

I, Leon Ulman, being duly sworn, do hereby depose
and say:

1. I am a Deputy Assistant Attorney General for
the Office of Legal Counsel of the Department of Justice.
Pursuant to the Attorney General's order of August 13,
1972, I have been designated as Chairman of the Department
Review Committee established pursuant to 28 C.F.R. 17.38
and in compliance with §7(B)(2) of Executive Order 11652.
The information set forth herein is based on knowledge
obtained in my official capacity as Chairman of the Depart-
ment Review Committee.

2. I have examined the Affidavit of Special Agent
Garnett T. Tunstall dated January 25, 1977. The Department
Review Committee independently reviewed the basis for
continued classification of the document identified in
paragraph (4)(a) of Mr. Tunstall's Affidavit. The Depart-
ment Review Committee has determined that paragraphs 1, 2,
3, and 4 of the letterhead memorandum identified in paragraph
(4)(a) of Mr. Tunstall's Affidavit require continued

Exhibit A

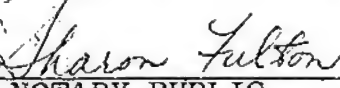
classification at the "Secret" level because their disclosure could reasonably be expected to cause serious damage to the national security. This determination was based on information provided to the Committee by Special Agent Tunstall of the F.B.I., who is personally familiar with the contents of these documents and the activities discussed therein. Mr. Tunstall met with the Committee on January 18, 1977, and advised it that those classified paragraphs of the document described in paragraph (4)(a) contain information that would disclose a sensitive intelligence method employed by the F.B.I. as well as a foreign relations matter, the continuing protection of which is essential to the national security. On the basis of this information and its independent review of the document, the Committee is satisfied as to the necessity for continued classification pursuant to Sections 5(b)(2) and (3) of Executive Order 11652.

3. The Committee also reviewed the F.B.I. determination that each identified portion of the listed document has been marked in accordance with section 4(A) of Executive Order 11652. On the basis of its review, the Committee is satisfied that the document is so marked.


LEON ULMAN

Sworn to and subscribed to before me

this 11th day of ^{February} ~~January~~, 1977.


NOTARY PUBLIC

My commission expires: October 31, 1980

UNITED STATES GOVERNMENT

Memorandum

TO : [REDACTED]

DATE: 1/26/77

FROM : [REDACTED]

SUBJECT: ELDRIDGE AND KATHLEEN CLEAVER
v. CLARENCE M. KELLEY, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-795

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Serv. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgnt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-16-2008 BY 60322/JCLRP/PJ/EHL

PURPOSE:

To determine cost in processing the above-captioned matter.

b6
b7C

SYNOPSIS:

On December 22, 1976, United States District Court Judge Green ordered that plaintiffs' Freedom of Information Act (FOIA) request be completed by January 12, 1977. In addition, the Court ordered a detailed justification for documents withheld in whole or in part. Time spent on this project by GS grade and step attached for computation of cost.

RECOMMENDATION:

That the Budget and Accounting Section, Finance and Personnel Division, compute a cost of this survey and submit their results to [REDACTED] FOIPA.

1 - [REDACTED]
1 - [REDACTED]
1 - Mr. Underwood

jjwg:lrc (6)

APPROVED:

Director	Adm. Serv.	Legal Coun.
Assoc. Dir.	Ext. Affairs	Plan. & Eval.
Dep. AD Adm.	Files & Com.	Rec. Mgnt.
Dep. AD Inv.	Gen. Inv.	Spec. Inv.
	Ident.	Training
	Inspection	
	Intell.	

REC- 5

4 FEB 18 1977



54 MAR 2 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

Memo to

b6
b7C

RE: ELDRIDGE AND KATHLEEN CLEAVER
v. CLARENCE M. KELLEY, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-795

DETAILS:

In response to plaintiffs' motion, the District Court in captioned matter entered an Order on December 22, 1976, requiring the FBI to expeditiously process this request.

Judge Green entered the Order, the pertinent portions are set forth as follows:

"Ordered that defendants . . . are restrained from refusing to process plaintiff's request which . . . includes all information concerning 'covert law enforcement and counterintelligence activities by the Federal Bureau of Investigation, acting alone or in collaboration with California local and state police authorities, directed against Eldridge and Kathleen Cleaver and the California branches of the Black Panther Party of which they were a part, for the time period August, 1967 through April, 1968'; and it is further

Ordered that the defendants shall file by January 12, 1977, an index, which includes the FBI document's serial numbers, specifying the documents or portions of documents for which exemptions are claimed, and a detailed justification for withholding each document or portions thereof; and it is further

Ordered that all documents for which exemptions are not sought shall be produced for plaintiffs by January 12, 1977."

Memo to

b6
b7C

RE: ELDRIDGE AND KATHLEEN CLEAVER
v. CLARENCE M. KELLEY, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-795

Set forth below by GS grade and step is the number of hours spent by FOIPA personnel in compliance with the above court order of December 22, 1976.

GS 4 (1)	2 hours
GS 4 (1)	8 hours
GS 5 (1)	20 hours
GS 5 (2)	30 hours
GS 5 (3)	24 hours
GS 6 (4)	2 1/2 hours
GS 6 (5)	2 hours
GS 6 (5)	2 hours
GS 6 (5)	2 hours
GS 7 (2)	4 hours
GS 7 (4)	96 hours
GS 7 (4)	5 hours
GS 7 (4)	2 hours
GS 9 (1)	80 hours
GS 9 (1)	21 hours
GS 9 (1)	2 hours
GS 14 (3)	108 hours
GS 15 (1)	75 hours

UNITED STATES GOVERNMENT

Memorandum

TO :

DATE: 1/28/77

FROM : *LCY*

SUBJECT: ELDRIGE AND KATHLEEN CLEAVER
v. CLARENCE M. KELLEY, ET AL
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-795

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgnt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

PURPOSE: To report the cost incurred in processing captioned matter.

DETAILS: By memorandum from to dated 1/26/77, it was requested that the Budget and Accounting Section compute the cost of this survey. Based on the employee grades and number of hours set forth in memorandum, the total cost of this survey is \$5,422.58, consisting of \$4,929.62 for personnel compensation and \$492.96 for personnel benefits.

RECOMMENDATION: That this memorandum be referred to the Records Management Division for its information.

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1 -

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DATE 10-16-2008 BY 60322/JCLR/PJ/EHL

LCG: *jmb*

APPROVED:

Director.....	Adm. Serv.....	Legal Coun.....
Assoc. Dir.....	Ext. Affairs.....	Plan. & Insp.....
Dep. AD Adm.....	Fin. & Pers.....	Rec. Mgnt.....
Dep. AD Inv.....	Gen. Inv.....	S. & T. Serv.....
	Ident.....	Spec. Inv.....
	Intell.....	Training.....

EX-104

REC-37

100-447251-1391

FEB 8 1977



MAR 2 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

TELETYPE

PRIORITY

CLEAR

1 - FOIA Litigation Unit
1 -
Attn:
1 - Legal Research Unit
1 - Mr. Mintz
1 -

b6
b7C

2/16/77

ALL INFORMATION CONTAINED
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DATE 10-16-2008 BY 60322/JCLRP/PJ/EHL

FM DIRECTOR

TO SACRAMENTO PRIORITY

SAN FRANCISCO PRIORITY

BT

CLEAR

PEOPLE OF THE STATE OF CALIFORNIA V. LEROY ELDRIDGE CLEAVER
SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF ALAMEDA

SUBPOENA MATTER

BT

RESCTELETYPE TO FBIHQ DATED 2/7/77 AND SFTELETYPE DATED
2/8/77 AND FBIHQ TELEPHONE CALLS TO SC AND SF 2/8/77.

REFERENCED TELETYPES ADVISED THAT SUBPOENAS REQUESTING
CERTAIN RECORDS OF THE SF AND SC OFFICES WERE SERVED ON THESE
OFFICES ON 2/7/77 AND REQUESTED INSTRUCTION FROM FBIHQ.

AS YOU WERE ADVISED IN THE REFERENCED TELEPHONE CALLS
FROM LEGAL COUNSEL DIVISION, DEPARTMENTAL ATTY. JOHN F. BARG,
CIVIL DIVISION, WILL BE TRAVELING TO SF ON 2/17/77, TO REPRESENT
THE FBI AND THE GOVERNMENT IN THIS MATTER. MR. BARG

ADVISED THAT HE INTENDS TO MOVE TO QUASH THE SUBPOENAS AND IF

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
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Rec. Mgnt. _____
Spec. Inv. _____
Training _____

JRD:las

FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

REC-39

FEB 16 1977

SEE NOTE PAGE 2

FEB 22 1977

Telephone Rm. _____
Director Sec'y _____

TELETYPE UNIT ☒

PAGE TWO CLEAR

THIS IS UNSUCCESSFUL TO OBTAIN A NARROWING OF THE SCOPE OF THE SUBPOENAS BOTH AS TO THE TIME PERIOD AND THE SUBJECT MATTER.

FOR INFORMATION, THE SUBPOENAS RECEIVED BY SC AND SF ARE IDENTICAL EXCEPT FOR THE NAME OF THE CUSTODIAN OF RECORDS AND SIMILAR SUBPOENAS HAVE BEEN SERVED ON [REDACTED]

[REDACTED] OTHER GOVERNMENT AGENCIES IN WASHINGTON, D.C.

NO PRODUCTION OF DOCUMENTS WILL BE NECESSARY ON 2/18/77. YOU WILL BE ADVISED OF THE RESULTS OF THE HEARING SCHEDULED FOR THAT DATE. MR. BARG WILL CONTACT THE SF OFFICE ON 2/17 OR 2/18 AND HAS BEEN FURNISHED THE NAME OF SA [REDACTED] PRINCIPAL LEGAL INSTRUCTOR, SF, AS A CONTACT POINT. SA [REDACTED] SHOULD BE AVAILABLE TO DISCUSS THIS MATTER WITH MR. BARG ON THOSE DATES.

NOTE: Criminal Prosecution of Leroy Eldridge Cleaver is currently pending in California State Court, County of Alameda. He is charged with attempted murder and assault with a deadly weapon in connection with a shootout with local police officers on 4/6/68. Mr. Cleaver's attorneys have issued subpoenas for records of the FBI, which, in effect, request all FBI records concerning Cleaver, the Black Panther Party, and numerous other individuals who are BPP members or friends and organizations associated with Cleaver. As indicated above, the Department will attempt to quash the subpoena or to narrow it to a reasonable scope. This matter is being coordinated with the F.O.I.A. Litigation Unit of Legal Counsel Division, as Cleaver has a pending F.O.I.A. civil action. This matter is also being coordinated with SA [REDACTED] GID.

APPROVED:

Director.....
Assoc. Dir.....
Dep. AD Adm.....
Dep. AD Inv.....

Adm. Serv.....
Ext. Affairs.....
Fin. & Pers.....
Gen. Inv.....
Ident.....
Intell.....

Legal Coun.....
Plan. & Insp.....
Rec. Mgt.....
S. & T. Serv.....
Spec. Inv.....
Training.....

SC 0128 8382 126Z

PP HQ

DE SC

P 072122Z FEB 77

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

FEB 07 1977

TELETYPE

FM SACRAMENTO (S2-NEW) (P)

TO DIRECTOR PRIORITY

BT

ALL INFORMATION CONTAINED
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DATE 10-16-2008 BY 60322/UCLRP/PJ/EHL

CLEAR

ATTN: LEGAL COUNSEL DIVISION

PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF, VS. LEROY

ELDRIDGE CLEAVER, DEFENDANT, CRIMINAL ACTION NO. 42287

ON FEB 7, 1977, [REDACTED] INVESTIGATOR,

REPRESENTING [REDACTED] SAN FRANCISCO,

CALIFORNIA 94111, SERVED A SUBPOENA ON ASAC WILLIAM Y.

DORAN, WHICH SUBPOENA WAS DIRECTED TO "CUSTODIAN OF RECORDS

OF THE FBI - SACRAMENTO FIELD OFFICE." SAID SUBPOENA

COMMANDED ASAC DORAN TO APPEAR ON FEB 18, 1977, AS A WITNESS

IN A CRIMINAL ACTION REGARDING CAPTIONED MATTER AT THE

SUPERIOR COURT OF ALAMEDA COURT, OAKLAND, CALIFORNIA. IT

REQUIRES ASAC DORAN TO BRING WITH HIM PAPERS DESCRIBED IN

EXHIBIT "A" ATTACHED TO SUBPOENA.

b6
b7C

*Teletype to SC
SF RSD:145
2/16/77
O-2 sent to
file*

CARBON COPY DO NOT FILE

PAGE TWO

SC 62-NEW

CLEAR

SUBPOENA IS BEING FURNISHED TO LEGAL COUNSEL DIVISION (LCD) BY TELECOPIER THIS DATE.

FOR THE INFORMATION OF LCD, SACRAMENTO HAS THREE VOLUMES ON THE BPP - CLEAVER FACTION, OO: NY, BUFILE 157-22657, SC FILE 157-2147. SACRAMENTO HAS 39 VOLUMES ON BPP - NEWTON FACTION, OO: SF, BUFILE 105-165706, SC FILE 157-52.

[REDACTED] WAS OF THE OPINION THAT SUBPOENAS ARE BEING SERVED IN THE LOS ANGELES AND SAN FRANCISCO OFFICES OF THE FBI.

SACRAMENTO TAKING NO AFFIRMATIVE ACTION IN THIS MATTER PENDING INSTRUCTIONS FROM THE LCD.

BT

b6
b7C

"TREAT AS ORIGINAL"

PRIORITY

TO: BUREAU

ATTN: LEGAL COUNSEL DIVISION

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

BUFILE: 100-447251

FEB 10 1977

SF: 66-3564-A

TELETYPE

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
Ext. Affs.
Fin. & Pers.
Gen. Inv.
Ident.
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Lab.
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S. & T. Serv.
Spec. Inv.
Training
Telephone Rm.
Director's Sec'y

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HEREIN IS UNCLASSIFIED
DATE 10-16-2008 BY 60322/UCLRP/PJ/EHL

*Approved
CWB/WHN*

b6
b7C

Leroy Eldridge Clavel

ENCLOSURE

1 Copy - Legal Counsel Div.

55 MAR 3 1977

REC-50

100-447251-1393

FEB 22 1977

U. S. COURSEY
District Attorney
900 Courthouse
1225 Fallon Street
Oakland, California 94612
Phone: 444-5507

ENDORSED
FILED

APR 7 1968

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-16-2008 BY 60322/UCLRP/PJ/EHL

JACK G. BLUE, County Clerk
ROSALYN KINNON, Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

THE PEOPLE OF THE STATE
OF CALIFORNIA,

Plaintiff,

No. 42287

v.

I N D I C T M E N T

CHARLES BURSEY, ELDRIDGE CLEAVER,
TERRY COTTON, DAVID HILLIARD,
DONNELL LANKFORD, JOHN L. SCOTT,
WENDELL WADE and WARREN WELLS,

Defendants.

The Grand Jury of the County of Alameda hereby accuses
CHARLES BURSEY, ELDRIDGE CLEAVER, TERRY COTTON, DAVID HILLIARD,
DONNELL LANKFORD, JOHN L. SCOTT, WENDELL WADE and WARREN WELLS
of a felony, to wit: Attempted Murder, a violation of Section
187 of the Penal Code of the State of California, in that on
or about the 6th day of April, 1968, in the County of Alameda,
State of California, they attempted to murder NOLAN DARNELL, a
human being.

S E C O N D C O U N T

The Grand Jury of the County of Alameda, by this second
count of this Indictment, further accuses CHARLES BURSEY, ELDRIDGE
CLEAVER, TERRY COTTON, DAVID HILLIARD, DONNELL LANKFORD, JOHN L.
SCOTT, WENDELL WADE and WARREN WELLS of a felony, to wit: a vio-
lation of Section 245(b) of the Penal Code of the State of

100-447251-151

California, in that on or about the 6th day of April, 1968, in the County of Alameda, State of California, they assaulted with a deadly weapon and by means of force likely to produce great bodily injury NOLAN DARNELL of the Oakland Police Department, knowing or having reasonable cause to know that said officer was a peace officer engaged in the performance of his duties.

THIRD COUNT

The Grand Jury of the County of Alameda, by this third count of this Indictment, further accuses CHARLES BURSEY, ELDRIDGE CLEAVER, TERRY COTTON, DAVID HILLIARD, DONNELL LANKFORD, JOHN L. SCOTT, WENDELL WADE and WARREN WELLS of a felony, to wit: Attempted Murder, a violation of Section 187 of the Penal Code of the State of California, in that on or about the 6th day of April, 1968, in the County of Alameda, State of California, they attempted to murder RICHARD JENSEN, a human being.

FOURTH COUNT

The Grand Jury of the County of Alameda, by this fourth count of this Indictment, further accuses CHARLES BURSEY, ELDRIDGE CLEAVER, TERRY COTTON, DAVID HILLIARD, DONNELL LANKFORD, JOHN L. SCOTT, WENDELL WADE and WARREN WELLS of a felony, to wit: a violation of Section 245(b) of the Penal Code of the State of California in that on or about the 6th day of April, 1968, in the County of Alameda, State of California, they assaulted with a deadly weapon and by means of force likely to produce great bodily injury RICHARD JENSEN of the Oakland Police Department, knowing or having reasonable cause to know that said officer was a peace officer engaged in the performance of his duties.

FIFTH COUNT AGAINST ELDRIDGE CLEAVER

The Grand Jury of the County of Alameda, by this fifth count of this Indictment, further accuses ELDRIDGE CLEAVER of a felony, to wit: Attempted Murder, a violation of Section 187 of

1 the Penal Code the State of California, that on or about the
2 6th day of April, 1968, in the County Alameda, State of
3 California, he attempted to murder JOHN SCHLIM, a human being.

4
5 SIXTH COUNT AGAINST ELDRIDGE CLEAVER

6
7 The Grand Jury of the County of Alameda, by this sixth
8 count of this Indictment, further accuses ELDRIDGE CLEAVER of a
9 felony, to wit: a violation of Section 245(b) of the Penal Code
10 of the State of California, in that on or about the 6th day of
11 April, 1968, in the County of Alameda, State of California, he
12 assaulted with a deadly weapon and by means of force likely to
13 produce great bodily injury JOHN SCHLIM of the Oakland Police
14 Department, knowing or having reasonable cause to know that said
15 officer was a peace officer engaged in the performance of his
16 duties.

17
18 A TRUE BILL.

19 OSBORNE A. PEARSON

20 OSBORNE A. PEARSON, Foreman of the
21 Grand Jury of the County of Alameda.

22 J. F. COAKLEY

23 J. F. COAKLEY, District Attorney of
24 the County of Alameda.
25
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30

FIRST PRIOR CONVICTION AGAINST ELDRIDGE CLEAVER

The Grand Jury of the County of Alameda further charges that before the commission of the offenses charged in this Indictment, and on or about the 18th day of June 1954, the said ELDRIDGE CLEAVER, under the name of LEROY ELDRIDGE CLEAVER, was convicted in the Superior Court of the State of California, in and for the County of Los Angeles, of a felony, to wit: Possession of Narcotics, and that in pursuance of said conviction the said defendant served a term in the California State Prison.

SECOND PRIOR CONVICTION AGAINST ELDRIDGE CLEAVER

The Grand Jury of the County of Alameda further charges that before the commission of the offenses charged in this Indictment, and on or about the 20th day of March, 1958, the said ELDRIDGE CLEAVER, under the name of LEROY ELDRIDGE CLEAVER, was convicted in the Superior Court of the State of California, in and for the County of Los Angeles, of a felony, to wit: Assault with Intent to Commit Murder, and that in pursuance of said conviction the said defendant served a term in the California State Prison.

THIRD PRIOR CONVICTION AGAINST ELDRIDGE CLEAVER

The Grand Jury of the County of Alameda further charges that before the commission of the offenses charged in this Indictment, and on or about the 20th day of March, 1958, the said ELDRIDGE CLEAVER, under the name of LEROY ELDRIDGE CLEAVER, was convicted in the Superior Court of the State of California, in and for the County of Los Angeles, of a felony, to wit: Assault with Intent to Commit Murder, and that in pursuance of said conviction the said defendant served a term in the California State Prison.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10-16-2008 BY 60322/UCLRP/PJ/EHL

FOURTH PRIOR CONVICTION AGAINST ELDRIDGE CLEAVER

The Grand Jury of the County of Alameda further charges that before the commission of the offenses charged in this

Indictment, and on or about the 20th day of March, 1958, the
said ELDRIDGE CLEAVER, under the name of LEROY ELDRIDGE CLEAVER,
was convicted in the Superior Court of the State of California,
in and for the County of Los Angeles, of a felony, to wit:
Assault with a Deadly Weapon, and that in pursuance of said con-
viction the said defendant served a term in the California State
Prison.

FIFTH PRIOR CONVICTION AGAINST ELDRIDGE CLEAVER

The Grand Jury of the County of Alameda further charges
that before the commission of the offenses charged in this
Indictment, and on or about the 20th day of March, 1958, the
said ELDRIDGE CLEAVER, under the name of LEROY ELDRIDGE CLEAVER,
was convicted in the Superior Court of the State of California,
in and for the County of Los Angeles, of a felony, to wit:
Assault with a Deadly Weapon, and that in pursuance of said
conviction, the said defendant served a term in the California
State Prison.

SIXTH PRIOR CONVICTION AGAINST ELDRIDGE CLEAVER

The Grand Jury of the County of Alameda further charges
that before the commission of the offenses charged in this
Indictment, and on or about the 20th day of March, 1958, the
said ELDRIDGE CLEAVER, under the name of LEROY ELDRIDGE CLEAVER,
was convicted in the Superior Court of the State of California,
in and for the County of Los Angeles, of a felony, to wit;
Assault with a Deadly With a Deadly Weapon, and that in pursuance
of said conviction, the said defendant served a term in the
California State Prison.

A TRUE BILL.

J. F. COAKLEY
J. F. COAKLEY, District Attorney of
the County of Alameda

OSBORNE A. PEARSON
OSBORNE A. PEARSON, Foreman of the
Grand Jury of the County of Alameda.

NAMES OF WITNESSES APPEARING BEFORE THE GRAND

JURY ON THE FINDING OF THE FOLLOWING

INDICTMENT

WILLIAM MILLS, JR.

ERNEST M. BELTRAMINI

NOLAN R. DARNELL

RICHARD JENSEN

CHARLES COATES

BERTHA MAY ALLEN

RAY GENE HOOPER

TAYLOR JACKSON

HAROLDINE JACKSON

NELLIE PIERRE

ANGELO P. CANNIZZARO

MYRON LLOYD ETCHISON

DANIEL WILLIAM LEWIS

RONALD JOHN DANIELSEN

JOHN R. SCHLIM

EDWARD R. HILLIARD

JERRY A. NOBLE

MARTIN HUSSEY

JERRY THEODORE JOHN

FREDERICK WAYNE NEWTON

JAMES A. PICARD

HERBERT COFFMAN

HAROLD E. HOLMES

ALLEN R. TELLEBO

DONALD REID

ROBERT FREDRICKS

OWEN CARLTON BROWN

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

FEB 07 1977

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TELETYPE

To: DIRECTOR - ATT LEGAL / CONSUM DIV.

Date: 2-7-77

From: SAC, SAC CHICAGO

Time Transmitted:

Subject: People of the State of Ohio
LEWIS MORRISON CLEVER

Initials:

- ☐ Fingerprint Photo ☐ Fingerprint Record ☐ Map ☐ Newspaper clipping ☐ Photograph
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ST 114
100-447251-1394

REC-50

14 FEB 22 1977

LEGAL COUNSEL

55 MAR 3 1977

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

PEOPLE OF THE STATE
OF CALIFORNIA,

Plaintiff,

v.

LEROY ELDRIDGE CLEAVER,

Defendant.

NO. 42287

SUBPOENA

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TO: CUSTODIAN OF RECORDS OF The Federal Bureau of
Investigation - Sacramento Field Office:

You are hereby commanded to appear before the
Honorable Alan A. Lindsay of the Superior Court of Alameda
County, Department 11, at 1225 Fallon Street, Oakland,
California, on February 18, 1977, at 2:00 p.m., as a
witness in a criminal action prosecuted by the people of
the State of California against Eldridge Cleaver.

You are required, also, to bring with you papers
described in Exhibit "A" attached to this Subpoena. Your
personal presence is not required.

Given under my hand this 2nd day of February, 1977.


JOHN W. KERER
Counsel for Defendant Eldridge Cleaver

100-447000-1311
ENCLOSURE

1 JOHN W. KEKER
2 Kippelman, Shawn, Roke Brockett
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4 Suite 400
5 San Francisco, California 94111
6 Telephone: (415) 788-2200

7 MARCUS S. TOPEL
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12 Attorneys for Defendant ELDRIDGE CLEAVER

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF ALAMEDA

15 PEOPLE OF THE STATE
16 OF CALIFORNIA,

17 Plaintiff,

18 v.

19 LEROY ELDRIDGE CLEAVER,

20 Defendant.

NO. 42287

EXHIBIT "A"

21 Any and all actual voice records, tapes, mechanical or
22 electrical recordings, as well as written transcripts, logs,
23 summaries, reports, memoranda, letters, airtels, notes, and other
24 records of any form whatsoever in your possession, actual or
25 constructive, or available to you, or obtainable from local
26 offices or the main offices or headquarters or archives of your
agency of:

(1) Any electronic or other surveillance of Eldridge Cleaver.

(2) Any electronic [REDACTED] lance of the Black

251-1311

1 Panther Party or its members, or of Cleaver's associates and
2 associated organizations (as listed in Definitions and
3 Instructions, infra), if such communications relate in any way to
4 Eldridge Cleaver or to the incident charged as occurring on
5 April 6, 1968, or the events leading thereto.

6 (3) Any intelligence activities concerning Eldridge Cleaver,
7 conducted by, approved by, suggested by or participated in by any
8 of the following organizations:

9 The Federal Bureau of Investigation
10 The National Security Agency
11 The United States Army, Navy and Air Force Intelligence Agencies
12 The Office of Special Air Force Investigation (OSI)
13 The Oakland California Police Department
14 The Emeryville California Police Department
15 The San Francisco Police Department
16 The Berkeley Police Department
17 The California Department of Criminal Investigation and
18 Identification
19 The California Highway Patrol
20 The California Adult Authority
21 The California Department of Corrections
22 The Defense Intelligence Agency
23 The San Francisco Attorney General's Office
24 The Sacramento Attorney General's Office
25 The California Attorney General's Office
26 The San Francisco District Attorney's Office
The Alameda County District Attorney's Office
The Internal Revenue Service
The Central Intelligence Agency

(4) Any intelligence activities conducted by any organization
listed in Paragraph 3 concerning the Black Panther Party or its
members, or Cleaver's friends and organizations with which Cleaver
was associated, if the record of such activity mentions or
concerns Eldridge Cleaver or the April 6, 1968 incident or the
events leading thereto.

////

1 (5) Applications for executive, administrative, or judicial
2 approval of such surveillance or activities, as described above,
3 and responses to such applications.

4 (6) Intelligence activity concerning or surveillance of
5 Cleaver's attorneys, as listed below:

6 Marcus S. Topel
7 John Keker
8 Jed Somit
9 Maxine Snyder
10 George Higgins
11 Ephraim Margolis
12 Samuel Gross
13 Patrick Sarsfield Hallinan
14 Benjamin Dreyfus
15 Frank Ryan
16 Quentin L. Kopp
17 Ruth Astle
18 Edmund Brown
19 John George
20 Charles Garry

21 DEFINITIONS AND INSTRUCTIONS

22 Paragraph 1 includes surveillance of any wire or oral
23 communications as to which the person intercepting the
24 communication was a party to the conversation, communications as
25 to which a party to the conversation allegedly consented to
26 surveillance, communications intercepted under the "emergency"
provision contained in 18 U.S.C. Section 2518(7), communications
intercepted under the "national security" provisions contained

1 in 18 U.S.C. Section 2511(3), communications intercepted pursuant
2 to California Penal Code Section 630-637.2, and generally, all
3 communications, intercepted with or without judicial authorization.

4 "Intelligence activity[ies]" as used herein includes, but
5 is not limited to, surveillance, "bugging" or "tapping",
6 protecting, harassing, spreading information (whether true or
7 untrue) concerning, sending letters to, making calls to,
8 intercepting calls to or from, intercepting mail or other
9 communications to or from, trying to disrupt, interfere with,
10 impede, or otherwise affect the activities of, infiltrating,
11 relaying or uncovering or gathering information about,
12 burglarizing the home or offices of, trying to cause dispute
13 or dissension or enmity between, or otherwise spying upon or
14 affecting or interfering with the activities, behavior or
15 operations of the persons and entities listed below:

16
17
18
19 BLACK PANTHER PARTY MEMBERS

21 Kathleen Cleaver	Bobby Hutton
Huey P. Newton	Reginald Forte
22 Robert Bay	Shewin Forte
Malvin Newton	John Bowman
23 Bobby Seale	James Bealum
John Seale	Fred Nolan
24 Arlie Seale	Warren Tucker
Jocanne Mitchell	Carlotta Simon
25 Sam Napier	Barbara Eagley

1	Emory Douglass	Landon Williams
	Audrey Houston	David Major
2	Barbara Arthur	Raymond Lewis
	George Murray	Betty Bogart
3	Elbert "Big Man" Howard	Judy Hart
	"Jolly"	Ruth Hagwood
4	"Capt. Crutch" Halliday	George Gaines
	Harvey	Earl Anthony
5	David Hilliard	Willie Thompson
	Roosevelt "June" Hilliard	Warren Wells
6	Tommy Jones	Leo Brazile
	Glen Stafford	Densil Dowell
7	Raymond "Masai" Hewitt	George Dowell
	Dexter Woods	John A. Scott
8	Wade "Speedy" Woods	James Dowell
	Lafayette Robinson	Richard Brown
9	Bruce Cocherhan	Rosemary Grass
	Darnell Lankford	Mark Johnson
10	Brenda Presley	Wendell Wade
	Ron Pennywell	Oleander Harrison
11	Gregory Harrison	Clayborne
	Mark Comfort	Jimmy Wade
12	George Sams	Rory Hitho
	Yolande Lewis	Janice Forte
13	Bayle Bell	Connie Matthews
	Virtual Murrell	"Little Joe"
14	Fred Bennett	Gene Stancil
	John Sloane	John Bethae
15	Ernest Hatter	Truman Harris
	Bonny Yates	Albert Kommo (or Commo)
16	Kenneth Carter	Terry Cotton
	Jean & Larry Powell	Jim Woods
17	Alprentice "Bunchy" Carter	Arthur "Carter"
	Jordan Ford	John Huggins
18	Kenny Dennman	Ronald Freeman
19	Roland Freeman	

FRIENDS AND ORGANIZATIONS ASSOCIATED
WITH CLEAVER

22	Sid Walton	Stewart Albert
	Father Earl Neil	Jerry Rubin
23	Edith Austin	Martin Kennec
	John George	Robert Sheer
24	Ronald V. Dellums	Warren Hinkle
	Hon. Willie Brown	Paul Jacobs
25	Hon. Marvin Dymally	Hal Supriano
	Walvin Shroud	Peter Camejo (SWP)
26	Jimmy Garrett	Bib Himmel
	Lothario Lotho	Mike Delacour

1	Jerry Varnado	Bob Avakian
2	Reggie Major	Mike Parker
3	Roscoe Proctor (CPUSA)	Terry Cannon
4	Frederika Kushner	Karen Wald
5	Vincent Lynch	Mal Burnstein
6	Bennie Ivey	Ed Keating
7	Beverly Axelrod	James Forman
8	Rap Brown	Willie Ricks
9	George Ware	Stokely Carmichael
10	The Black Panther Party or local offices thereof	
11	The Black Panther Party for Self Defense	
12	United Slaves - U.S.	
13	Black Panther Party of Northern California	
14	The National of Islam	
15	I AM	
16	African American Historical and Cultural Society	
17	Black Student's Union (San Francisco State College)	
18	Student Nonviolent Coordinating Committee	
19	The Black House	
20	"The Movement" Newspaper	
21	Friends of SNCC	
22	The National Guardian Newspaper	
23	Communist Party, U.S.A.	
24	Socialist Worker's Party	
25	Committee for New Politics	
26	International Socialist Club	
27	Peace and Freedom Party	
28	Midpeninsula Observer Newspaper	
29	Ramparts Magazine	

The "incident of April 6, 1968" refers to the occurrences
 on that date described in Paragraph 3 of the attached
 Affidavit.

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12 Attorneys for Defendant ELDRIDGE CLEAVER

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF ALAMEDA

15 PEOPLE OF THE STATE
16 OF CALIFORNIA,

17 Plaintiff,

18 v.

19 LEROY ELDRIDGE CLEAVER,

20 Defendant.

NO. 42287

AFFIDAVIT OF JOHN W. KEKER
IN SUPPORT OF SUBPOENA
DUCES TECUM

21 STATE OF CALIFORNIA

22 CITY AND COUNTY OF SAN FRANCISCO

ss.

23 I, JOHN W. KEKER, being duly sworn, deposes and states:

24 1. I am an attorney of record for the defendant in this
25 action, which is set for jury trial on May 9, 1977, in the
26 Alameda County Superior Court.

2. On information and belief, the witness subpoenaed, or his
duly authorized representative, has in his possession or under his
control the documents described in Exhibit "A", which is attached

1 to the accompanying subpoena duces tecum.

2 3. The information requested is material to a proper and
3 fair presentation of the defense of my client, and will facilitate
4 the ascertainment of the facts in this case, for the following
5 reasons which I set forth on information and belief, based on
6 my examination of documents available to me.

7 Eldridge Cleaver was indicted on April 24, 1968, on
8 three charges of attempted murder and three charges of assault with
9 a deadly weapon. All charges stem from an incident on April 6,
10 1968, involving members of the Oakland and Emeryville Police
11 Departments and members of the Black Panther Party. Each of the
12 persons allegedly assaulted by Eldridge Cleaver -- Nolan Darnell,
13 Richard Jensen, and John Schlim -- were at the time members of
14 the Oakland Police Department.

15 Officers Darnell and Jensen have testified that the incident
16 began when they were fired upon without provocation. They claim
17 that they employed no unnecessary, excessive or illegal force.
18 Officer Schlim has testified to the effect that the alleged assault
19 upon him occurred while he was trying to apprehend suspects in the
20 basement of or alley adjacent to 1218 28th Street, Oakland, the
21 address at which Eldridge Cleaver was arrested. Numerous officers
22 have testified before the Grand Jury that returned the indictment
23 against Eldridge Cleaver and at trials of co-defendants that
24 Bobby Hutton, arrested at the same time and place as Eldridge
25 Cleaver, was shot and killed trying to escape.

26 On the other hand, co-defendant David Hilliard has testified

1 that the incident began when Officers Darnell and/or Jensen began
2 firing their guns without cause or justification. Further, the
3 Honorable Raymond J. Sherwin, Judge of the Superior Court of
4 Solano County, found that Eldridge Cleaver's only handling of a
5 firearm on the night of April 6, 1968 was in obedience to a police
6 command. Statements made by other police officers present at the
7 scene of the arrest, statements not presented to the Grand Jury,
8 contradict the testifying officers' description of the killing
9 of Bobby Hutton, and indicate that Bobby Hutton was not trying to
10 escape when he was killed by policemen.

11 Each of the officers who has testified has explained his
12 presence at the location of the incident occurred as a result of
13 normal police practices and procedures. However, on April 6, 1968,
14 Eldridge Cleaver and other members of the Black Panther Party
15 believed they were the objects of a police vendetta. On and before
16 the date of the incident, Eldridge Cleaver received numerous
17 telephone calls from unnamed sources, such calls coming not only to
18 his home, but to whatever house he visited. The pattern of the
19 calls, and the fact that the anonymous callers somehow knew both
20 Cleaver's travel plans and his whereabouts, strongly suggests the
21 use of electronic surveillance of Eldridge Cleaver's phone, of the
22 phones in the Black Panther Party office, and of the phones of
23 Eldridge Cleaver's friends, acquaintances and fellow party members.

24 Emory Douglas, the Minister of Culture of the Black Panther
25 Party at the time of the incident, has testified that on April 5,
26 1968, he received anonymous telephone calls at Black Panther Party

1 Headquarters, which calls threatened the lives of Black Panther
2 Party members, and specifically threatened the life of Eldridge
3 Cleaver. Such calls are believed to result from intelligence
4 activity of some governmental agency.

5 On April 6, 1968, the date of the incident, a person claiming
6 to be associated with the San Francisco Police Department came to
7 Black Panther Party Headquarters in Oakland, California to say he
8 would be a pipeline for the Black Panthers, and stating further
9 that the police were going to try and trick the Panthers so that
10 the police could kill them. The officer further warned that the
11 Oakland Police Department was planning to raid Black Panther
12 Headquarters and advised that any weapons be removed therefrom.
13 This alleged policeman has not been identified, and it is believed
14 that he was an operative of a government law enforcement agency,
15 acting in an undercover capacity to infiltrate, spy upon or
16 provoke the Black Panthers.

17 The Federal Bureau of Investigation maintained surveillance
18 on Black Panther Party Headquarters and upon Party-related locations
19 beginning no later than February 26, 1968, and continuing up to and
20 including the date of the incident. In addition, the long distance
21 numbers called from Cleaver's home phone were investigated as early
22 as December, 1967, by the Federal Bureau of Investigation and/or
23 other governmental agencies; some persons to whom Cleaver placed
24 calls were also investigated. Cleaver was listed on the Federal
25 Bureau of Investigation's Security Index; a separate listing on the
26 FBI's "Rabble Rouser Index" was reserved for the Black Panther Party

1 and identified members thereof, including Eldridge and Kathleen
2 Cleaver. By the date of the incident one or more informants
3 reporting to the FBI and/or to other governmental agencies had
4 infiltrated the Black Panther Party and were in positions whence
5 they could both report on the planned activities of the Black
6 Panther and also effectuate disruptive tactics directed by their
7 employer agency. The FBI regularly transmitted to local law
8 enforcement agencies, and also to the OSI, the Secret Service,
9 the intelligence agencies of the Army and Navy, and other
10 domestic intelligence agencies, information gathered from such
11 informants and surveillance, and notified such agencies of
12 the plans and activities of Eldridge Cleaver and the Black Panther
13 Party.

14 As early as 1961, the California Department of Corrections
15 had targeted Eldridge Cleaver as a black activist and follower of
16 the Black Muslim Movement. Prior to the release of Cleaver from
17 incarceration in December, 1966, the FBI requested the Department
18 of Corrections to identify and closely watch such "Malcolm X types"
19 and to notify the FBI upon their release so the FBI could continue
20 surveillance. Cleaver was so identified; in addition, the Special
21 Service apparatus of the Department of Corrections maintained
22 surveillance of Cleaver after his parole, in cooperation with
23 officials of the California Adult Authority.

24 Cleaver's association with persons identified by intelligence
25 agencies as Communists subjected him to further surveillance and
26 intelligence activities, including interception and copying of his

1 correspondence with his lawyer, Ms. Beverly Allrod. Similarly,
2 Cleaver's ties to the Socialist Workers Party, Student Nonviolent
3 Coordinating Committee, the Peace and Freedom Party and other
4 "New Left" groups, which groups were the targets of surveillance
5 and intelligence activities of local and domestic law enforcement
6 and/or intelligence agencies, made him also a target of such
7 surveillance and intelligence activities.

8 Public documents have established that on or about the
9 date of the incident domestic intelligence activities were con-
10 ducted by various government law enforcement and intelligence
11 agencies against so-called black extremist groups, activities
12 designed to spy upon such groups, to disrupt their activities, to
13 assassinate or cause the assassination of their leaders, to
14 spread lies and untruths about such groups, to cause internal
15 dispute and dissension, in short, to eradicate such groups,
16 including the Black Panther Party. Much of this activity was
17 illegal. Eldridge Cleaver, the Black Panther Party, and its
18 members, Cleaver's friends, and organizations which he associated,
19 described in Exhibit "A", were targets of such surveillance and
20 activities conducted by some or all of the following governmental
21 agencies: The Federal Bureau of Investigation, the Secret
22 Service, the National Security Agency, the United States Army,
23 Navy and Air Force Intelligence agencies, the Internal Revenue
24 Service, the Central Intelligence Agency, the OSI, the Oakland
25 California Police Department, the Emeryville California Police
26 Department, the San Francisco Police Department, the Berkeley

1 Police Department, the California Department of Criminal
2 Investigation and Identification, the California Highway Patrol,
3 the California Adult Authority, the California Department of
4 Corrections, the National Security Agency, the Defense Intelligence
5 Agency, the Racial Intelligence Agency, the San Francisco Attorney
6 General's Office, the Sacramento Attorney General's Office, the
7 San Francisco District Attorney's Office, and the Alameda County
8 District Attorney's Office.

9 Intelligence activities conducted by government agencies
10 after April 6, 1968, included electronic surveillance of Cleaver's
11 attorneys and interception of confidential communications and
12 information. Such conduct is in violation of Cleaver's Sixth
13 Amendment rights.

14 The just described intelligence activities evidence the
15 interest on and about April 6, 1968, of domestic law enforcement
16 and intelligence agencies in the activities of Eldridge Cleaver,
17 the Black Panther Party, and Cleaver's friends and associates as
18 described in Exhibit "A". Further, the killing of Bobby Hutton
19 during the incident and the attendant violations of State and
20 Federal law spurred the interest of said agencies. The FBI
21 conducted an investigation of the incident, and has taken state-
22 ments from witnesses in addition to those heretofore produced at
23 trial or provided to the Oakland Police Department or to the
24 Alameda County District Attorney.

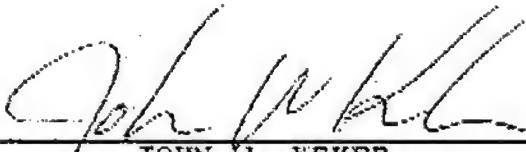
25 Defendant needs the subpoenaed materials on surveillance
26 of himself and the parties described in Exhibit "A" to the

1 subpoena in order to prepare his defense, for the evidence relates
2 directly to the truth of police officers' assertions that their
3 presence at the scene of the arrest was the result of normal
4 police procedures, rather than the result of a purposeful and
5 concerted conspiracy among various law enforcement agencies to
6 harass, intimidate or even assassinate Eldridge Cleaver and/or
7 other Black Panthers. The evidence also directly bears upon
8 whether the officers' firing upon Eldridge Cleaver and the other
9 Black Panther Party members present at the scene of the incident
10 was an attempt to effectuate an arrest, was in self-defense, or
11 was intended to kill Eldridge Cleaver and/or other Black Panthers
12 without legal cause or justification. Further, as the bulk of the
13 surveillance was illegal and in violation of the First and Fourth
14 Amendment rights of Eldridge Cleaver and other Black Panthers, the
15 material is relevant and indispensable to planned and potential
16 motions to suppress or exclude evidence as illegally seized or as
17 the fruit of a search in contravention of the Constitution. The
18 material also relates to Cleaver's state of mind on April 6, 1968, as
19 to whether the officers were in the course of official duty, and
20 to the officers' propensity for violence. Documents relating to
21 intelligence activity after April 6, 1968, are necessary for
22 potential motions to dismiss the charges for prosecutorial mis-
23 conduct, and to exclude evidence obtained through violations of
24 Eldridge Cleaver's Fourth and Sixth Amendment rights. The
25 records will also relate to the truthfulness of witnesses' state-
26 ments and testimony concerning the incident, an issue particularly

1 important here where the likelihood that Bobby Hutton was murdered
2 by police officers immediately following his arrest provides
3 motive, bias and interest for the police officers to have distorted
4 their public testimony about the preceding conduct of Hutton and
5 Cleaver.

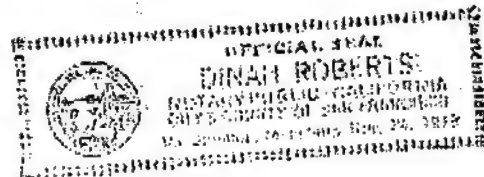
6 4. The material subpoenaed is not available for inspection
7 by the general public, and the defendant cannot obtain such
8 material through his own efforts.

9
10 DATED: February 3rd, 1977

11
12 
13 JOHN W. KEKER
14

15 Subscribed and sworn to before me this 3rd day of February, 1977.
16

17
18 
19 NOTARY PUBLIC
20



IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA
BEFORE THE HONORABLE ALAN A. LINDSAY, JUDGE
DEPARTMENT ELEVEN

---003---

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

vs.

ELDRIDGE CLEAVER,

Defendant.

No. 42278.

ORDER RE PUBLICITY

---003---

At the time of the incident which gave rise to the charges
filed against the defendant in this matter, and for the past
months since the defendant's return to this jurisdiction, there
has been a great deal of publicity concerning this case in the
various news media.

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100-447251-131

Inasmuch as the time of trial is now approaching and it has been indicated that motions will soon be before the Court in which evidence will be produced, in order that further hearings and the trial be conducted in a fair and objective manner, without being influenced by comments and discussions outside the courtroom, the Court makes the following order:

IT IS THE ORDER OF THIS COURT that no party to this action, nor any attorney connected with this case as defense counsel or as prosecutor, nor any other attorney, nor any judicial officer or employee, nor any public official, including but not limited to any chief of police, nor any sheriff, nor any agent, deputy or

1 employee of any such persons, nor any grand juror, nor any witness
2 having appeared before the Grand Jury in this matter, nor any
3 person subpoenaed to testify at the trial or any pre-trial hearing
4 of this matter, shall release or authorize the release for public
5 dissemination of any purported extrajudicial statement of
6 the defendant relating to this case, nor shall any such persons
7 release or authorize the release of any documents, exhibits, or any
8 evidence which such person believes or alleges to be relevant to
9 this case, nor shall any such person make any statement for public
10 dissemination as to the existence or possible existence of any
11 document, exhibit, or any other evidence, including but not limited
12 to any statements or evidence produced at the Grand Jury hearing
13 in this matter, or any other evidence which such person believes
14 or alleges to be relevant to this case.

15 Nor shall any such persons express outside of court an opinion
16 or make any comment for public dissemination as to the weight,
17 value or effect of any evidence as tending to establish guilt or
18 innocence.

19 Nor shall any such persons issue any statement as to the
20 identity of any prospective witness or his probable testimony or
21 the effect thereof.

22 Nor shall any person make any out-of-court statement as to
23 the nature, source, or effect of any purported evidence alleged to
24 have been accumulated as a result of the investigation of this
25 matter.

26 Nor shall any such person or any witness, whether or not
27 under subpoena, make any statements as to the content, nature,
28 substance, or effect of any testimony which may be given in any
29 proceeding related to this matter, except that a witness may dis-
30 cuss any matter with any attorney of record or agent thereof.

31 This order does not include any of the following:

32 (1) Factual statements of any of the defendant's name, age,

1 residence, occupation, and family status.

2 (2) The circumstances of the arrest, namely, the time and
3 place of the arrest, the identity of the arresting and investigat-
4 ing officers and agencies, and the length of the investigation.

5 (3) The nature, substance, and text of the charge, including
6 a brief description of the offenses charged.

7 (4) The scheduling and result of any stage of the judicial
8 proceedings held in open court in an open or public session.

9 (5) A request for assistance in obtaining evidence.

10 (6) Any information as to any person not in custody who is
11 sought as a possible suspect or witness, nor any statement aimed
12 at warning the public of any possible danger as to such person not
13 in custody.

14 (7) A request for assistance in the obtaining of evidence
15 or the names of possible witnesses.

16 Further, this Order is not intended to preclude any witness
17 from discussing any matter in connection with the case with any of
18 the attorneys representing the defendant or the People, or any
19 representatives of such attorneys.

20 IT IS FURTHER ORDERED that a copy of this Order shall be
21 attached to any subpoena served on any witness in this matter, and
22 that the return of service of the subpoena shall also include the
23 fact of service of a copy of this Order.

24 This Order shall be in force until this matter has been dis-
25 posed of or until further order of court.

26 Dated this 23rd day of August, 1976.

27
28
29
30
31
Alan C. Friedman
JUDGE OF THE SUPERIOR COURT

FEDERAL BUREAU OF INVESTIGATION
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GLORIA PHARES STEWART

CARLETON A. HARKRADER
ROBERT M. LICHTMAN
NEAL P. RUTLEDGE
THOMAS J. SCHWAB
DANIEL F. O'KEEFE, JR.
CHARLES C. ABELES
TERRENCE ROCHE MURPHY
TONI K. GOLDEN
JAMES DOUGLAS WELCH
C. COLEMAN BIRD
GERALD B. WETLAUFER
AVRUM M. GOLDBERG
CAROL KINSBOURNE
DAVID B. WEINBERG
STEVEN M. GOTTUEB
SHEILA JACKSON LEE
RANGELEY WALLACE
* ON LEAVE

WM. WARFIELD ROSS
STEPHEN B. IVES, JR.
GEORGE A. AVERY
JOEL E. HOFFMAN
DONALD T. BUCKLIN
ROBERT E. NAGLE
WILLIAM R. WEISSMAN
KEITH S. WATSON
ROBERT A. SKITOL
GREER S. GOLDMAN
LEWIS M. POPPER
DENNIS D. CLARK
LESLIE S. BRETZ
ANTHONY L. YOUNG
STEVEN E. SILVERMAN
JAMES R. MYERS

910 SEVENTEENTH
WASHINGTON,
(202) 87
CABLE ADDRESS
TELEX: 2
SELMA M. LEVI
OF COURSE
PHILIP I
CHARLES P.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Intell. _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgt. _____
S. & T. Serv. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director's Sec'y _____

February 14, 1977

DELIVERED BY HAND OUTSIDE SOURCE

Mr. Clarence M. Kelley
Director
Federal Bureau of Investigation
United States Department of Justice
Washington, D.C. 20535

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-11-2009 BY 60322/UCLRP/P

b6
b7C

Re: Eldridge [REDACTED] Cleaver v.
Clarence M. Kelley, et al.,
Civil Action No. 76-0795

Dear Director Kelley:

This letter is in further response to your letter dated January 12, 1977, a copy of which I have enclosed. As the matter of your agency's withholding of documents has now been fully joined in judicial proceedings, we do not believe it to be appropriate to fully and specifically address ourselves to that matter outside of those proceedings.

So that the record of our correspondence is clear, we wish to note that in our view the invocation of the exemptions noted in your letter of January 12th is not legally justified. Accordingly, we will seek the release of the documents withheld from the District Court.

Sincerely yours,

Robert B. Cornell

Robert B. Cornell

RBC:mp

Enclosure

cc: Bruce E. Titus, Esquire (w/enc.)
[REDACTED] (w/enc.)

REC-26

100-447251-1396

23 FEB 14 1977

24

ENCLOSURE

[REDACTED]

3648

11- LEGAL COUNSEL

B.O.R.

57 MAR 7 1977

UNRECORDED COPY FILED IN

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

January 12, 1977

Robert B. Cornell, Esq.
Wald, Harkrader, and Ross
910 Seventeenth Street, N. W.
Washington, D. C. 20006

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-11-2008 BY 60322/JCLRP/PJ/EHL

Dear Mr. Cornell:

This letter is to confirm our understanding of arrangements made by our counsel, Mr. Bruce E. Titus, Deputy Chief, Information and Privacy Unit, Civil Division, Department of Justice, concerning delivery on January 12, 1977, of processed documents from FBI files to you on behalf of your clients Leroy Eldridge Cleaver and [REDACTED] pursuant to the Freedom of Information Act. Mr. Titus has advised us that he will insure delivery to you of the processed documents, consisting of 1,336 pages and that the duplication costs thereof, at ten cents a page, totalling \$133.60, will be paid by you by check or money order made payable to the Federal Bureau of Investigation.

Excisions have been made from the above-mentioned documents and other documents have been withheld in their entirety in an effort to protect information exempted from disclosure by the following subsections of Title 5, United States Code, Section 552:

- (b) (1) information which is currently and properly classified pursuant to Executive Order 11652 in the interest of the national defense or foreign policy
- (b) (2) materials related solely to the internal rules and practices of the FBI
- (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would:
 - (C) constitute an unwarranted invasion of the personal privacy of another person

ENCLOSURE

100-447251-1394

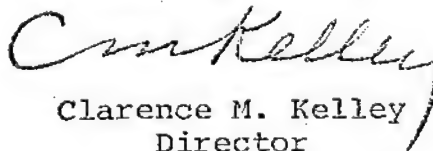
b6
b7C

Robert B. Cornell

- (D) reveal the identity of an individual who has furnished information to the FBI under confidential circumstances or reveal information furnished only by such a person and not apparently known to the public or otherwise accessible to the FBI by overt means
- (E) disclose investigative techniques and procedures, thereby impairing their future effectiveness
- (F) endanger the life or physical safety of law enforcement personnel

Although we are fully aware of the pending litigation in the United States District Court for the District of Columbia, the law requires us to advise that you have thirty days from receipt of this letter to appeal to the Attorney General from any denial pertaining hereto. Appeals should be directed in writing to the Attorney General (Attention: Freedom of Information Appeals Unit), Washington, D. C. 20530. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal."

Sincerely yours,


Clarence M. Kelley
Director

CLEAR

TELETYPE

PRIORITY

FM DIRECTOR

2/15/77

TO LOS ANGELES (PRIORITY)

SAN FRANCISCO (PRIORITY)

SACRAMENTO (PRIORITY)

1 -

Attention:

SAN DIEGO (PRIORITY)

BT

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 09-11-2008 BY 60322/UCLRP/PJ/EHL

CLEAR

ELDRIDGE ☐ CLEAVER V.

CLARENCE M. KELLEY, ET AL., (U.S.D.C., D.C.)

CIVIL ACTION NO. 76-795

FREEDOM OF INFORMATION ACT (FOIA) MATTER

BUDED FEBRUARY 18, 1977

RE BUREAU TELEPHONE CALLS FEBRUARY 14 AND 15, 1977.

CONFIRMING REFERENCED TELEPHONE CALLS, U.S. DISTRICT
COURT FOR THE DISTRICT OF COLUMBIA BY ORDER FEBRUARY 10,
1977, DIRECTED THE FBI, AMONG OTHER THINGS, TO CONTACT ITS
CALIFORNIA FIELD OFFICES AND "SUCH OTHER FIELD OFFICES AS

NOTE: Above being sent per Court order in captioned matter
Coordination with Legal Counsel Division, Information and
Privacy Acts Litigation Unit.

FU:car (4)

REC-37

100-44725-1396X
190-2546-3

5 FEB 18 1977

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgnt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

MAIL ROOM ☐TELETYPE UNIT ☐

PAGE TWO CLEAR

MAY HAVE INFORMATION ENCOMPASSED BY THE COURT'S ORDER OF DECEMBER 22, 1976, AND TO THEREAFTER PROVIDE PLAINTIFFS WITH SUCH INFORMATION IN ACCORDANCE WITH THE DECEMBER 22, 1976, ORDER."

THE AFOREMENTIONED DECEMBER 22, 1976, ORDER, AMONG OTHER THINGS, DIRECTED THE FBI TO PROCESS PLAINTIFFS' FOIA NARROWED REQUEST DESCRIBED AS INFORMATION CONTAINED IN OUR FILES RELATING TO "...COVERT LAW ENFORCEMENT AND COUNTER-INTELLIGENCE ACTIVITIES BY THE FEDERAL BUREAU OF INVESTIGATION, ACTING ALONE OR IN COLLABORATION WITH CALIFORNIA LOCAL AND STATE POLICE AUTHORITIES, DIRECTED AGAINST ELDRIDGE AND [REDACTED] CLEAVER AND THE CALIFORNIA BRANCHES OF THE BLACK PANTHER PARTY (BPP) OF WHICH THEY WERE A PART, FOR THE TIME PERIOD AUGUST, 1967, THROUGH APRIL, 1968."

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IN AN EFFORT TO COMPLY WITH THAT PORTION OF THE FEBRUARY 10, 1977, ORDER DESCRIBED ABOVE, RECIPIENTS SHOULD CONDUCT A SEARCH OF THEIR INDICES FOR ALL MAIN FILES IDENTIFIABLE WITH LEROY ELDRIDGE CLEAVER, [REDACTED] AND THE BPP AND FOR ALL REFERENCES TO LEROY ELDRIDGE CLEAVER AND [REDACTED]

PAGE THREE CLEAR

ANY DOCUMENTS CONTAINING INFORMATION FALLING WITHIN THE AFOREMENTIONED AUGUST 1, 1967, THROUGH APRIL 30, 1968, DATE SCOPE OF PLAINTIFFS' NARROWED REQUEST ARE TO BE DUPLICATED AND TWO COPIES EACH THEREOF SHOULD BE FORWARDED BY COVER AIRTEL TO FBIHQ, DESIGNATED TO THE ATTENTION OF RECORDS MANAGEMENT DIVISION, FREEDOM OF INFORMATION-PRIVACY ACTS BRANCH, TO REACH FBIHQ NO LATER THAN FEBRUARY 18, 1977. PROCESSING PURSUANT TO FOIA WILL THEN BE ACCOMPLISHED BY FBIHQ PERSONNEL.

COVER AIRTEL SHOULD DESCRIBE THE RESULTS OF THE INDICES SEARCH BY MAIN FILES AND REFERENCES, INCLUDING CASE CAPTIONS AND FILE NUMBERS, AND THE DOCUMENTS ENCLOSED THEREWITH SHOULD BE GROUPED AND LABELED ACCORDINGLY.

BT

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ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 09-11-2008 BY 60322/UCIRP/PJ/EHL

2/16/77

Transmit the following in _____

(Type in plaintext or code)

AIRTEL

Via _____

(Precedence)

TO: DIRECTOR, FBI
ATTN: RECORDS MANAGEMENT DIVISION
FOI - PA BRANCH

PW
FROM: SAC, SACRAMENTO (62-564) (RUC)
SUBJECT: ELDRIDGE [REDACTED] CLEAVER v.
CLARENCE M. KELLEY, ET AL.,
(U.S.D.C., D.C.)
CIVIL ACTION #76-795
FREEDOM OF INFORMATION ACT (FOIA) MATTER
Buded 2/18/77

ReButel, 2/16/77.

Enclosed for the Bureau are 2 copies of Sacramento
serials pertaining to LEROY ELDRIDGE CLEAVER, [REDACTED]
[REDACTED] and Black Panther Party (BPP) from the period
8/1/67 to 4/30/68. This does not include serials already
received by the Bureau.

Indices search revealed SC 157-52, BPP main file
captioned BPP, RACIAL MATTERS, included serials for the time
period requested. Other BPP files and references did not
contain communications in the requested time period.

Indices search and file review of SC 157-291, main
file for LEROY ELDRIDGE CLEAVER, and references to CLEAVER
indicates the first Sacramento communication as May, 1968.

Indices search and file review determined SC 157-2149,
main file for [REDACTED] and references SC 157-52-20
and 157-52-Sub # 34, p7, 9, shows first communication of
May, 1968.

- (2) - Bureau (Enc. 1)
1 - Sacramento
BRLK:smd
(3)
- ck*

REC-26

EX-103

100-447251-1396X1
14 FEB 18 1977
27-77

Approved: _____

Special Agent in Charge

Sent _____

M Per _____

53 MAY 10 1977

SC 62-564

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b7C

Sacramento indices and review of files determined
several references for LEROY ELDRIDGE [REDACTED] CLEAVER
after date of requested period.

SAC, LOS ANGELES (157-1503)

10/3/67

SAC, SAN FRANCISCO (157-864) - RUC

BLACK PANTHER PARTY
LOS ANGELES, CALIFORNIA
IS - BLACK PANTHER PARTY

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

Reurlet 8/28/67. DATE 09-11-2008 BY 60322/JCLRP/PJ/EHL

The "Oakland-Tribune," daily newspaper published in Oakland, California, for 6/17/67, in an article captioned, "Panthers File for Party Status," it was reported that papers were filed "yesterday" with the Secretary of State to incorporate subject organization as a non-profit political organization. These papers were filed by attorney FRANK A. EVANS, JR. of Los Angeles and listed the founding directors as JOHN FLOYD, FRANK HARDING, and RENE HARDING, all of Los Angeles.

According to the article, "Among the purposes of the Black Panther party, as stated in the proposed articles of incorporation are to 'develop political power for the black community....select and run our own candidates.... establish and develop good relations with the third world, that is, Africa, Asia, and Latin America.'"

Sacramento is requested to check the office of the Secretary of State for verification and additional information on this filing and advise Los Angeles.

- 2 - Los Angeles (RM)
- ② - Sacramento (RM)
- 2 - San Francisco (1 - 157-864)
(1 - 157-677) [redacted]

JTQ/jr
(6)

b6
b7C

157-52-1

SEARCHED *DM* INDEXED *DM*
SERIALIZED *DM* FILED *DM*
OCT 10 1967
SACRAMENTO
[redacted]

ENCLOSURE

100-447251-1396X1

796-2546-1

cc: SF

T-11/14

CA
10/4/67

SAC, LOS ANGELES (157-1503)

Nov. 16, 1967

SAC, SACRAMENTO (157-52) RUC

BLACK PANTHER PARTY
LOS ANGELES, CALIFORNIA
IS - BLACK PANTHER PARTY

Re Los Angeles letter to San Francisco dated 10/3/67.

On November 7, 1967, [REDACTED] Office of the
Secretary of State Corporation records, Sacramento,
California, advised that her files fail to reflect any
incorporation records for the Black Panther Party.

b6
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-11-2008 BY 60322/UCLRP/PJ/EHL

- 2 - Los Angeles (RM)
- 1 - San Francisco (157-864)(RM)

1 - Sacramento

NPL:grh

(4)

g

g

157-52-2
SEARCHED *ep*

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE SAN FRANCISCO	OFFICE OF ORIGIN SAN FRANCISCO	DATE 11/16/67	INVESTIGATIVE PERIOD 4/27-11/16/67	b6 b7C
TITLE OF CASE BLACK PANTHER PARTY FOR SELF DEFENSE (BPPSD)		REPORT MADE BY <div style="border: 1px solid black; width: 150px; height: 1.2em;"></div>	TYPED BY erg	
EXEMPTED FROM AUTOMATIC DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE EXEMPTION CODE 25X(1) DATE 09-11-2008		CHARACTER OF CASE INTERNAL SECURITY - MISCELLANEOUS		

REFERENCE: San Francisco teletype to Bureau dated 10/28/67.

- P -

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

ADMINISTRATIVE DATA:

Copies of this report have been designated for the
Los Angeles and Sacramento Offices for information inasmuch
as this report contains ramification of specific interest
to those offices.

This report is classified ~~confidential~~ because
information furnished by SF T-1 if disclosed could possibly
result in loss of an informant of continuing value.

ACCOMPLISHMENTS CLAIMED						ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		
							PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED

SPECIAL AGENT
IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE:

- 6 - Bureau (105-165706)(RM)
- 2 - 115th MI Group (RM)
- 1 - NISO 12 ND (RM)
- 1 - OSI 19 D (RM)
- 1 - Los Angeles (INFO)(RM)
- ① - Sacramento (INFO)(RM)
- 3 - San Francisco (100-58841)

157-52-3

SEARCHED <input checked="" type="checkbox"/>	INDEXED <input checked="" type="checkbox"/>
SERIALIZED <input checked="" type="checkbox"/>	FILED <input checked="" type="checkbox"/>
NOV 20 1967	
FBI - SACRAMENTO	

Dissemination Record of Attached Report

Notations

Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

~~SECRET~~

~~SECRET~~

b6
b7C

SF 100-58841
WJW/erg

LERoy ELDRIDGE CLEAVER, [REDACTED]
HUEY PERCY NEWTON and [REDACTED] are included on
the Security Index.

Results of the prosecutive action taken, fines levied
and sentence imposed of those who participated in varying
degrees in the invasion of the California Legislative
Assembly, Sacramento, California on 5/2/67 have been reported
in the individual case files on each of the individuals, and
are not being restated in this summary.

Case files have been opened on each of the
individuals named in this report as an officer or suspected
member of this organization, for the purpose of compiling
identifying and background data. The cases on the following
individuals will be closely reviewed to ascertain whether
active investigations on these should be conducted.



BOBBY JAMES HUTTON



The Sacramento Office has been requested to check
records of the Department of State, Sacramento, California
to corroborate the information that their organization has
not filed incorporation papers as a non profit political
organization.

- B -
COVER PAGE

~~SECRET~~

~~SECRET~~

SF 100-58841
WJW/erg

This report is a summary of information previously furnished in the main by LHM to Bureau and this information was appropriately disseminated throughout the investigative period of this report.

INFORMANTS:

Identity of Source

File Where Located

SF T-1 is

SF T-2 is

Characterization of

SF T-3 is

100-58841-2

(By request)

SF T-4 is

100-58841-2

SF T-5 is

SF T-6 is

100-58841-2

(By request)

b2
b6
b7C
b7D

- C -
COVER PAGE

~~SECRET~~

~~SECRET~~

SF 100-58841
WJW/erg

SF T-7 is

[REDACTED]

[REDACTED]

SF T-8 is

[REDACTED]

100-58841-41

(By request)

SF T-9 is

[REDACTED]

[REDACTED]

SF T-10 is

[REDACTED]

[REDACTED]

SF T-11 is

[REDACTED]

100-58841-9

SF T-12 is

[REDACTED]

[REDACTED]

SF T-13 is

[REDACTED]

[REDACTED]

SF T-14 is

[REDACTED]

Characterization of

[REDACTED]

(3)

b1

SF T-15 is

[REDACTED]

This report

b6
b7C
b7D

LEADS

SAN FRANCISCO

AT SAN FRANCISCO, CALIFORNIA: Will submit
characterization of this organization for Bureau approval.

~~SECRET~~

- D -

COVER PAGE

~~SECRET~~

SF 100-58841
WJW/erg

Will advise Bureau by letter of results of
check of records of Department of State, Sacramento
regarding incorporation status.

Will submit report within six months.

~~SECRET~~

- E* -
COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION~~CONFIDENTIAL~~Copy to: 2 - 115th MI Group (RM) 1 - NISO 12 ND (RM)
1 - OSI 19 D (RM)

Report of: [REDACTED]

Office: SAN FRANCISCO

Date:

11/16/67

b6
b7C

Field Office File #: 100-58841

Bureau File #: 100-165706

Title: BLACK PANTHER PARTY FOR SELF DEFENSE (BPPSD)

DECLASSIFIED BY 60322/UCLRP/PJ/EHL
ON 09-11-2006

Character: INTERNAL SECURITY - MISCELLANEOUS

Synopsis:

The Black Panther Party for Self Defense (BPPSD) was formed by HUEY PERCY NEWTON, Minister of Defense, and BOBBY GEORGE SEALE, Chairman, in Oakland, California in December, 1966. RICHARD MATSUI AOKI held title of Minister of Education. BPPSD designed as political organization to combat "police brutality", to unite militant black youth to determine the destiny of black communities, and to educate black people in African history. Only top leadership appeared to be knowledgeable of or interested in the political philosophy of BPPSD, taken from writings of MAO Tse-tung, ROBERT F. WILLIAMS, MALCOLM X LITTLE and black militant writers. Leadership has advocated use of guns and guerrilla tactics in their violent revolutionary program to end oppression and oppose the drafting of black men to fight in Vietnam. BPPSD has no apparent connections with other organizations; STOKELY CARMICHAEL, former chairman of SNCC was "drafted" and invested with rank of Field Marshall. NEWTON and [REDACTED] have been convicted on charges of "assault with deadly weapon"; both

~~CONFIDENTIAL~~~~GROUP 1~~~~Excluded from automatic
downgrading and
declassification~~

SF 100-58841
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[redacted] and NEWTON and their associates carried carbine rifles and holstered pistols in plain view on streets of Oakland and elsewhere while on "defense patrols". On May 2, 1967, members of BPPSD invaded the California State Legislative Assembly, Sacramento, carrying loaded weapons to protest restrictions on carrying of guns. Membership meetings were held on weekly basis at Headquarters, 5624 Grove Street, Oakland. Membership included 40 to 50 activists. Last issue of publication "The Black Panther -- Black Community News Service" appeared July, 1967; headquarters now closed and no meetings held since August, 1967. [redacted] Newspaper article quotes NEWTON as having stated "Every time you can execute a white racist gestapo cop you are defending yourself." On 11/13/67 Grand Jury of Alameda County, California, Oakland, indicted NEWTON for murder of Oakland Police Officer at 5:00 a.m. on 10/28/67, Oakland.

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- P -

SF 100-58841
WJW/erg

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1
SF 100-58841
WJW/rlk

DETAILS-

I. ORIGIN AND SCOPE

The concept of the formation of a militant black political organization designed to combat "police brutality" to unit militant black youth to determine the destiny of black communities and to educate the black people in African history, was originated in December, 1966, by HUEY PERCY NEWTON and BOBBY GEORGE SEALE, former students of Oakland City College, now known as Merritt College, 5714 Grove Street, Oakland, California.. In December, 1966, SEALE and NEWTON named their organization "Black Panther Party for Self-Defense" (BPPSD), and assumed their titles; NEWTON, Minister of Defense, and SEALE, Chairman.

SF T-1, 7/11/67

The name of the organization was inspired by the symbol of the Black Panther adopted by the Lowndes County Freedom Organization of the State of Alabama, now better known as the Black Panther Party. There is no link between these organizations, but there may have been an exchange of literature and correspondence on matters of mutual interest.

SF T-1, 7/11/67

In early 1967, the exact date not known, RICHARD MATSUI ADKI of Berkeley, California, also a former Oakland City College student, was drawn into the BPPSD and had the title of Minister of Education bestowed upon him. NEWTON and [] knew [] to be a scholar of the classic writings on revolution by such former black militants as FRANTZ FANON, MARCUS GARVEY, MALCOLM X LITTLE and W.E.B. DuBOIS. The organizers of the BPPSD also selected [] for a position of leadership in the organization because of his experience while serving as [] of the Campus Committee for Lowndes County, a Socialist Workers Party (SWP) and Young Socialist Alliance (YSA) front organization on the Campus of the University of California, Berkeley, (UCB), which collected contributions for the aforementioned Lowndes County Freedom Organization.

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SF T-2, 5/1/67

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SF 100-58841
WJW?rlk

[redacted] resigned from the SWP in the
Spring of 1967.

SF T-2, 5/1/67

In a special meeting at the Greek Theatre, UCB, October 29, 1966, STOKELY CARMICHAEL, Chairman of the Student Non-Violent Co-ordinating Committee (SNCC), stated in part "We developed the Lowndes County Freedom Organization, a political Party. Alabama law says that a political party must have an emblem. We chose for the emblem a black panther."

A characterization of the SWP and YSA are found in the appendix pages.

A characterization of MALCOLM X LITTLE is included in the characterization of the Organization of Afro-American Unity (OAAU) contained in the appendix pages.

The BPPSD is a militant black nationalist youth organization which has headquarters at 5624 Grove Street, Oakland, California, located one block south of the Merritt College Campus, Oakland.

Meetings were held on a weekly basis at 4:00 PM on Saturdays with approximately 8 to 22 young Negroes (males) in attendance.

SF T-3, 3/10/67

The leaders of the BPPSD are BOBBY GEORGE SEALE, [redacted] and HUEY PERCY NEWTON, 881 47th Street, Oakland. NEWTON and [redacted] and some of their associates were observed on the streets of Oakland, California, carrying carbine rifles and holstered pistols in plain view, as they were engaged in what they called "defense patrols". They have not been known to carry concealed weapons or to possess such weapons as sawed-off shotguns, which are in violation of existing law, and have, therefore, not subjected themselves to arrest.

SF T-3, 3/10/67

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SF 100-58841
WJW/rlk

As of March, 1967, [] was employed
as []
[]
Oakland, California.

As of the Fall of 1965, [] was []
[] of the "Soulbook", self-described as the
"Quarterly Journal of Revolutionary Afro-Americans".

SF T-4, 3/1/67

Records of the Clerk of Superior Court, Alameda
County, California, Oakland, California, in Action
Number [] disclosed that on October 10, 1966,
[] was sentenced to one year court
probation, Superior Court of Alameda County,
California, after pleading guilty to a charge of
battery of a Berkeley Police Officer on March 17,
1966.

Records of the Military Records Center, St. Louis,
Missouri, disclosed that [] was given
a bad conduct discharge, February 11, 1959, as
[] Ellsworth Air Force Base, South Dakota.
[] was diagnosed as []
[]
[].

FBI Identification record Number [] contains
the following data concerning []
as of November 2, 1967:

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SF 100-58841
WJW/rlk

On November 3, 1967, Inspector [redacted] Homicide Detail, Oakland, California, Police Department, advised that [redacted] was then incarcerated in the Santa Rita Rehabilitation Center, Graystone Prison, Alameda County, California, at Pleasanton, California, awaiting trial on his May 23, 1967, arrest by the Oakland Police Department on a charge of carrying a concealed weapon.

Records of the Oakland Police Department, #159483, disclose that HUEY PERCY NEWTON, born February 17, 1942, Monroe, Louisiana, was on October 8, 1964, found guilty by jury in Superior Court of Alameda County, California, of an assault with a deadly weapon and on October 29, 1965 was sentenced to three years probation, six months county jail.

The records of the Richmond, California, Police Department, Arrest Number 96945, Offense Number 93310, disclose that at 5:50 AM on June 4, 1967, HUEY PERCY NEWTON was arrested by the Richmond Police Department at 10th and Lincoln, Richmond, on a charge of violating Section 148 Penal Code (interfering with police). The details of the offense report reads that a group of Negroes gathered around Richmond police officers who were issuing a citation on a traffic violation. One of the Negro on-lookers, named [redacted] in an intoxicated condition, attempted to kick the officers. NEWTON swung at one of the officers and struck this officer on the chest.

Booking record #129994 of Contra Costa County Jail, Martinez, California, disclosed that on October 9, 1967, NEWTON was sentenced by Municipal Court, Richmond, California, to serve 60 days in County Jail following conviction of the June 4, 1967, charge aforementioned. On October 10, 1967, NEWTON was released on bail on court order, pending appeal.

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FBI IDentification Record, Number 804 121 E, contains
the following data concerning HUEY PERCY NEWTON:

<u>Contributor of Fingerprints</u>	<u>Name and Number</u>	<u>Arrested of Received</u>	<u>Charge</u>	<u>Disposition</u>
PD Oakland Calif	Huey Percy Newton #159483	3/2/63	wrn't (848 PC) (PT)	dism
PD Berkeley Calif	Huey Percy Newton #20502	3/4/64	Viol Sec 459 Pen Code (burg)	dism
SO Oakland Calid	Huey Percy Newton #64-2363	3/5/64	Burg 5 cts	dism on chg of 4 cts burg
PD Oakland Calif	Huey Percy Newton #159483	6/11/64	warr 245 PC (ADW)	6 mos CJ 3 yrs prob
SO Oakland Calif	Huey Percy Newton #64-9016	10/8/64	ADW	6 mos CJ 3 yrs prob
SO Oakland Calif	Huey P. Newton #66/2960	3/18/66	242 PC batt against peace officer	misd crt prob 2 yrs
PD Berkeley Calif	Huey Percy #20502	3/17/66	148 PC (resist arrest) & 243 PC (B pol ofc)	no compl on 1st chg guilty of 242 PC (batt) continued on prob 10/10/66

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<u>Contributor of Fingerprints</u>	<u>Name and Number</u>	<u>Arrested or Received</u>	<u>Charge</u>	<u>Disposition</u>
PDRichmond Calif	Huey Percy Newton #42141	6/4/67	resist arrest	60 days 10/9/67
PD Oakland Calif	Huey P. Newton #159483	5/22/67	(1) 415 PC (dist peace) (2) 417 PC (drawing or exhibit firearm or other deadly weapon) (3) 3-4:01 OMC (profane- obscene language) (4) 2-7:02 OMC (displaying dangerous weapon)	Set for trial Municipal Court #5 Oakland 11/17/67
SO Martinez Calif	Huey Percy Newton #129994	10/9/67	148 PC resist arrest	60 das

HUEY NEWTON was reported to be qualified as an expert in "demolition and reportedly had supervised the making or gathering of molotov cocktails and incendiary bombs.

SF T-5, 11/22/66

On March 6, 1967, [REDACTED]

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SF T-5, 3/8/67

On April 25, 1966, a rally sponsored by the Afro-American Student Union (AASU) was held at UCB. DON JUAN DAVIS President of the AASU urged Negroes to oppose the drafting of black men and stated in party "We are not about to go to Viet Nam and fight against people like ourselves who are fighting for equal opportunities, equal rights and the end of oppression.

SF T-6, 4/25/66

The AASU is an organization recognized by the UCB Administration as a Campus Student Organization.

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In March, 1967, [] and NEWTON emphasized that it was the objective of the BPPSD to arm the Negro community to full capacity for the purpose of backing "all plays for the Negro community" and to act as a deterrent to all organizations including the Oakland and San Francisco Police Departments.

SF T-5, 3/8/67

II. AIMS AND PURPOSES

The asserted aims and purposes of the BPPSD are set forth in a leaflet captioned "Black Panther Party for Self Defense What We Want - What We Believe". Copies of this leaflet were widely distributed throughout the San Francisco Bay Area during April, 1967.

SF T-7, 5/3/67

A copy of the aforementioned leaflet is set forth below:

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"WHAT WE WANT NOW!:

1. WE WANT FREEDOM. WE WANT POWER TO DETERMINE THE DESTINY OF BLACK COMMUNITY.
2. WE WANT FULL EMPLOYMENT FOR OUR PEOPLE.
3. WE WANT AN END TO THE ROBBERY BY THE WHITE MAN OF OUR BLACK COMMUNITY.
4. WE WANT DECENT HOUSEING FIT FOR SHELTER OF HUMAN BEINGS.
5. WE WANT EDUCATION FOR OUR PEOPLE THAT EXPOSES THE TRUE NATURE OF THIS DECADENT AMERICAN SOCIETY. WE WANT EDUCATION THAT TEACHES US OUR HISTORY AND OUR ROLE IN THE PRESENT DAY SOCIETY.
6. WE WANT ALL BLACK MEN TO BE EXEMPT FROM MILITARY SERVICE.
7. WE WANT AN IMMEDIATE END TO POLICE BRUTALITY AND MURDER OF BLACK PEOPLE.
8. WE WANT FREEDOM FOR ALL BLACK MEN AND WOMEN HELD IN FEDERAL, STATE, COUNTY, AND CITY PRISONS AND JAILS.
9. WE WANT ALL BLACK PEOPLE WHEN BROUGHT TO TRIAL, TO BE TRIED IN COURT BY A JURY OF THEIR PEER GROUP OR PEOPLE FROM THEIR BLACK COMMUNITIES, AS DEFINED BY THE CONSTITUTION OF THE UNITED STATES.
10. WE WANT LAND, BREAD, HOUSEING, EDUCATION, CLOTHING, JUSTICE AND PEACE.

"WHAT WE BELIEVE:

1. WE BELIEVE THAT BLACK PEOPLE WILL NOT BE FREE UNTIL WE ARE ABLE TO DETERMINE OUR DESTINY.
2. WE BELIEVE THAT THE FEDERAL GOVERNMENT IS RESPONSIBLE AND OBLIGATED TO GIVE EVERY MAN EMPLOYMENT OR A GUARANTEED INCOME.
WE BELIEVE THAT IF THE WHITE AMERICAN BUSINESS MEN WILL NOT GIVE FULL EMPLOYMENT, THEN THE MEANS OF PRODUCTION

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SF 100-58841
WJW/rlk

"SHOULD BE TAKEN FROM THE BUSINESS MEN AND PLACED IN THE COMMUNITY SO THAT THE PEOPLE OF THE COMMUNITY CAN ORGANIZE AND EMPLOY ALL OF ITS PEOPLE AND GIVE A HIGH STANDARDS OF LIVING.

- "3. WE BELIEVE THAT THIS RACIST GOVERNMENT HAS ROBBED US AND NOW WE ARE DEMANDING THE OVERDUE DEBT OF FORTY ACRES AND TWO MULES. FORTY ACRES AND TWO MULES WAS PROMISED 100 YEARS AGO AS RETRIBUTION FOR SLAVE LABOR AND MASS MURDER OF BLACK PEOPLE. WE WILL ACCEPT THE PAYMENT IN CURRENCY WHICH WILL BE DISTRIBUTED TO OUR MANY COMMUNITIES. THE GERMANS ARE NOW AIDING THE JEWS IN ISRAEL FOR THE GENOCIDE OF THE JEWISH PEOPLE. THE GERMANS MURDERED 6,000,000 MILLION JEWS. THE AMERICAN RACIST HAS TAKEN PART IN THE SLAUGHTER OF OVER 50,000,000 MILLION BLACK PEOPLE; THEREFORE, WE FEEL THAT THIS IS A MODEST DEMAND THAT WE MAKE.
- "4. WE BELIEVE THAT IF THE WHITE LANDLORDS WILL NOT GIVE DECENT HOUSEING TO OUR BLACK COMMUNITY THEN THE HOUSEING AND THE LAND SHOULD BE MADE INTO COOPERATIVE SO THAT OUR COMMUNITY, WITH GOVERNMENT AIDE, CAN BUILD AND MAKE DECENT HOUSEING FOR ITS PEOPLE.
- "5. WE BELIEVE IN AN EDUCATIONAL SYSTEM THAT WILL GIVE TO OUR PEOPLE A KNOWLEDGE OF SELF. IF A MAN DOES NOT HAVE KNOWLEDGE OF HIMSELF AND HIS POSITION IN SOCIETY AND THE WORLD, THEN HE HAS LITTLE CHANCE TO RELATE TO ANYTHING ELSE.
- "6. WE BELIEVE THAT BLACK PEOPLE SHOULD NOT BE FORCED TO FIGHT IN THE MILITARY SERVICE TO DEFEND A RACIST GOVERNMENT THAT DOSE NOT PROTECT US. WE WILL NOT FIGHT AND KILL OTHER PEOPLE OF COLOR IN THE WORLD WHO, LIKE BLACK PEOPLE, ARE BEING VICTIMIZED BY THE WHITE RACIST GOVERNMENT OF AMERICA. WE WILL PROTECT OURSELVES FROM THE FORCE AND VIOLENCE OF THE RACIST POLICE AND THE RACIST MILITARY, BY WHATEVER MEANS NECESSARY.

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- "7. WE BELIEVE WE CAN END POLICE BRUTALITY IN OUR BLACK COMMUNITY BY ORGANIZING BLACK SELF DEFENSE GROUPS THAT ARE DEDICATED TO DEFENDING OUR BLACK COMMUNITY FROM RACIST POLICE OPPRESSION AND BRUTALITY. THE SECOND AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES GIVES US A RIGHT TO BEAR ARMS. WE THEREFORE BELIEVE THAT ALL BLACK PEOPLE SHOULD ARM THEMSELVES FOR SELF DEFENSE.
- "8. WE BELIEVE THAT ALL BLACK PEOPLE SHOULD BE RELEASED FROM THE MANY JAILS AND PRISONS BECAUSE THEY HAVE NOT RECEIVED A FAIR AND IMPARTIAL TRIAL.
- "9. WE BELIEVE THAT THE COURTS SHOULD FOLLOW THE UNITED STATES CONSTITUTION SO THAT BLACK PEOPLE WILL RECEIVE FAIR TRIALS. THE 14th AMENDMENT OF THE U.S. CONSTITUTION GIVES A MAN A RIGHT TO BE TRIED BY HIS PEER GROUP. A PEER IS A PERSON FROM A SIMILAR ECONOMICAL, SOCIAL, RELIGIOUS, GEOGRAPHICAL, ENVIRONMENTAL, HISTORICAL AND RACIAL BACKGROUND. TO DO THIS THE COURT WILL BE FORCED TO SELECT A JURY FROM THE BLACK COMMUNITY FROM WHICH THE BLACK DEFENDENT CAME. WE HAVE BEEN, AND ARE BEING TRIED BY ALL WHITE JURIES THAT HAVE NO UNDERSTANDING OF THE 'AVERAGE REASONING MAN' OF THE BLACK COMMUNITY.
- "10. WHEN IN THE COURSE OF HUMAN EVENTS, IT BECOMES NECESSARY FOR ONE PEOPLE TO DISSOLVE THE POLITICAL BONDS WHICH HAVE CONNECTED THEM WITH ANOTHER, AND TO ASSUME AMONG THE POWERS OF THE EARTH, THE SEPARATE AND EQUAL STATION TO WHICH THE LAWS OF NATURE AND NATURE'S GOD ENTITLE THEM, A DECENT RESPECT TO THE OPINIONS OF MANKIND REQUIRES THAT THEY SHOULD DELCARE THE CAUSES WHICH IMPEL THEM TO THE SEPARATION.

"WE HOLD THESE TRUTHS TO BE SELF-EVIDENT, THAT ALL MEN ARE CREATED EQUAL, THAT THEY ARE ENDOWED BY THEIR CREATOR WITH CERTAIN UNALIENABLE RIGHTS, THAT AMONG THESE ARE

LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS. THAT TO SECURE THESE RIGHTS, GOVERNMENTS ARE INSTITUTED AMONG MEN, DERIVING THEIR JUST POWERS FROM THE CONSENT OF THE GOVERNED, --
THAT WHENEVER ANY FORM OF GOVERNMENT BECOMES DESTRUCTIVE

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OF THESE ENDS, IT IS THE RIGHT OF PEOPLE TO ALTER OR TO
ABOLISH IT, AND TO INSTITUTE NEW GOVERNMENT, LAYING
ITS FOUNDATION ON SUCH PRINCIPLES AND ORGANIZING ITS
POWERS IN SUCH FORM, AS TO THEM SHALL SEEM MOST LIKELY TO
EFFECT THEIR SAFETY AND HAPPINESS.

"PRUDENCE, INDEED, WILL DICTATE THAT GOVERNMENTS LONG
ESTABLISHED SHOULD NOT BE CHANGED FOR LIGHT AND TRANSIENT
CAUSES, AND ACCORDINGLY ALL EXPERIENCE HATH SHEWN, THAT
MANKIND ARE MORE DISPOSED TO SUFFER, WHILE EVILS ARE
SUFFERABLE, THAN TO RIGHT THEMSELVES BY ABOLISHING THE FORMS
TO WHICH THEY ARE ACCUSTOMED. BUT WHEN A LONG TRAIN OF
ABUSES AND USURPATIONS, PURSUING INVARIABLY THE SAME OBJECT,
EVINCES A DESIGN TO REDUCE THEM UNDER ABSOLUTE DESPOTISM,
IT IS THEIR RIGHT, IT IS THEIR DUTY, TO THROW OFF
SUCH GOVERNMENT, AND TO PROVIDE NEW GUARDS FOR THEIR
FUTURE SECURITY."

III. LOCATION OF HEADQUARTERS

During the period of March to July, 1967, the BPPSD rented ground floor office space at 5624 Grove Street, Oakland, California, for their headquarters and meeting place. The organization was forced to abandon their location because of lack of funds.

SF T-7, 4/1/67 and 7/5/67
and 8/1/67

Ad of October, 1967, the BPPSD had no headquarters location and was no longer conducting membership meetings.

SF T-1, 10/25/67

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From April through October, 1967, the BPPSD used Post Office Box 8641, Emeryville Branch, Oakland, California, as its mailing address.

SF T-1, 11/7/67

IV. PUBLICATIONS

During the period of April 25, 1967, through July 20, 1967, five issues of 'The Black Panther - Black Community News Service' (The Black Panther - BCNS") official publication of the BPPSD were published. The publication listed its mailing address as Post Office Box 8641, Emeryville Branch, Oakland, California, 94608, but did not list its staff.

SF T-7, 8/1/67

On July 28, 1967, [REDACTED]

[REDACTED] San Francisco, California, advised that he had printed only issues number 4 and 5 of the "Black Panther - BCNS" and that the press run for the latter issue was 5,000. The BPPSD paid in cash.

V. INCORPORATION STATUS

As of October, 1967, the BPPSD was not known to have filed papers with the Department of State, Sacramento, California, to become incorporated as a political organization and there were no indications that this organization intended to file these papers.

SF T-1, 10/25/67 and
11/7/67

VI. OFFICERS

As of early July, 1967, the Executive Committee of the BPPSD consisted of the following:

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HUEY PERCY NEWTON
Minister of Defense and
Treasurer

BOBBY GEORGE SEALE
Chairman and
Branch Captain of North Oakland

RICHARD MATSUI AOKI
Minister of Education and
Branch Captain of Berkeley

GEORDE EDWARD DOWELL
Branch Captain of North Richmond

MARK EVERETT COMFORT
Branch Captain of East Oakland

LEROY ELDRIDGE CLEAVER
Editor of Newspaper and
Branch Captain of San Francisco

SF T-1, 7/11/67

[redacted] California,
was drawn into the BPPSD in April, 1967, when
leadership of the BPPSD chose to use [redacted]

[redacted], as an example of what
they called "police brutality".

SF T-1, 5/1/67

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A characterization of [redacted] is included
in the characterization of the Oakland Direct
Action Committee (ODAC) found in the appendix pages.

On February 27, 1967, [redacted] Parole and
Community Services Division, Region II, 69 11th
Street, San Francisco, California, advised that

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LEROY ELDRIDGE CLEAVER, better known as ELDRIDGE CLEAVER, was received in the California Prison System in 1958, following conviction of assault with intent to commit murder and assault with deadly weapon. He had previously been convicted and served time on a narcotics charge. He was placed on parole December 12, 1966, which will be concluded March 20, 1971.

A mimeographed leaflet captioned "Malcolm X's Ideas Still Live" announced that a memorial tribute on the second anniversary of the assassination of MALCOLM X would be held on February 24, 1967, at the Hall of Flowers, Golden Gate Park, San Francisco, California, with ELDRIDGE CLEAVER as the main speaker.

SF T-5, 2/23/67

In the latter part of July, 1967, both CLEAVER and [] had broken away from the BPPSD reportedly because of differences with NEWTON and [] on the matters of policies and tactics. [] began devoting his time to attempting to reactivate his organization, ODAC.

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SF T-1, 10/25/67

In addition to the foregoing, a few individuals were given "paper titles" for publicity purposes. These individuals had no significant influence in this organization.

SF T-1, 10/25/67

The July 3, 1967, issue of the "Black Panther - BCNS", on page 4, columns 1 and 2, contains a photograph of AUDRY HUDSON and identified this individual as the secretary of the BPPSD and a member of the Administrative Staff of the newspaper. This article states in part "She has got herself together and enlisted in the struggle of the total liberation of her people. She is a welcomed addition to the swelling ranks of the Vanguard Party for the Black Liberation Struggle."

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The May 11, 1967, issue of the Berkeley Daily Gazette, Page 1, Column 4, in an Article captioned 'Black Panthers Hold Fort' at Campus Rally', identifies BARBARA AUTHOR as UCS Student and Women's Chairman of the BPPSD. She was the speaker at the May 10, 1967, Rally at UCS to support the BPPSD.

[redacted] was in May, 1967, referred to as the [redacted] of the BPPSD. As a matter of fact [redacted] served only as [redacted] of the BPPSD.

SF T-1, 7/11/67

As of May, 1967, [redacted] was [redacted] of the Campus Branch of the BPPSD at Merritt College, Oakland, California, and [redacted] was [redacted] of this branch.

SF T-4, 10/20/67

VII. MEMBERSHIP DATA AND MEMBERSHIP MEETINGS

As of April, 1967, the total membership of the BPPSD was somewhere between 40 and 100. An estimated 15 members carried guns openly in public. It was the goal of the organization that each member have his own personally owned weapon for public display. It was recommended that hand weapons be .38 caliber or above, and that shotguns be 12 guage. Carbines were considered to be satisfactory weapons.

SF T-1, 5/1/67

The BPPSD discouraged 'dual membership' and sought not to be identified with the Communist Party, USA the SWP, the Progressive Labor Party (PLP), the Communist Party, USA - Marxist-Leninist, or any other organizations having 'left wing' tendencies. As of July, 1967, there were no known members of these named organizations who were members of the BPPSD. [redacted] was the only non-Negro known to be affiliated with the BPPSD.

SF T-1, 10/25/67

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Characterizations of the PLP and Communist Party, USA - Marxist-Leninist are included in the appendix pages.

At public street meetings held from April, 1967, through June, 1967, in Alameda, Contra Costa, and San Francisco Counties, applications for membership were distributed to the audience and were completed by numerous individuals. It was estimated by leadership of the BPPSD that at least 1,000 paper members had been acquired through this procedure. These membership records were maintained in the personal possession of HUEY PERCY NEWTON. The actual activist membership of the BPPSD averaged between 40 to 50 members, and at no time during the period of its existence did this organization maintain more than 100 of these "activists".

SF T-1, 10/25/67

Membership cards issued by the BPPSD were signed HUEY PERCY NEWTON, Minister of Defense and bore the inscription 'The spirit of the people is greater than the man's technology'.

SF T-1, 10/25/67

At membership meeting of the BPPSD held on April 8, 1967, at 5624 Grove Street, Oakland, California, HUEY PERCY NEWTON distributed copies of a leaflet captioned 'Pocket Lawyer of Legal First Aid', and discussed the contents of this leaflet at length.

Item #3 of this leaflet, which contains 14 items, states as follows:

Police have a right to search your car or your home only if they have a search warrant, probable cause, or your consent. They may conduct no exploratory search - that is, one for evidence of crime generally

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or for evidence of crimes unconnected with the one you are being questioned about. (Thus, a stop for an auto violation does not give the right to search the auto). You are not required to consent to a search; therefore, you should not consent and state clearly and unequivocally state your lack of consent, in front of witnesses if possible. If you do not consent, the police will have the burden in court of showing probable cause.

SF T-7, 4/11/67

On April 22, 1967, a short meeting of the BPPSD was held at headquarters, 5624 Grove Street, Oakland, California. At this meeting, it was announced that the fatal shooting of DENZIL DOWELL of North Richmond, California, by a Richmond, California, Police officer following the burglary of a store by DOWELL, was being used as a nucleus for the recruiting of Negroes into the BPPSD. It was announced that a meeting for the recruiting of new members into the BPPSD was scheduled to be held on April 29, 1967, at 2:00 PM at [redacted] California, the residence of [redacted]

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SF T-7, 5/3/67

On June 3, 1967, a BPPSD membership meeting was held at headquarters, 5624 Grove Street, Oakland, California. At this meeting, HUEY NEWTON spoke on the importance of obtaining firearms and the desirability of each member keeping his own weapon in his home. He also spoke of plans to obtain property for new headquarters in the North Richmond area. Eight Negro males and two Negro females were present at this meeting.

SF T-7, 6/6/67

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On July 1, 1967, [REDACTED]

SF T-7, 7/12/67

On July 29, 1967, [REDACTED]

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SF T-7, 8/1/67

In view of the fact that the headquarters office located at 5624 Grove Street, Oakland, had been closed, the BPPSD on the night of August 21, 1967, met at the Bosns' Locker, 5817 Shattuck, Oakland, California, with approximately 15 persons in attendance. The meeting had been called by HUEY NEWTON because he was alarmed over the information that the Richmond Branch of the BPPSD, formerly regarded by NEWTON to be a strong-hold of the BPPSD, had not held meetings for approximately three weeks. NEWTON indicated that the activities of the BPPSD were at a low level at that time, due mainly to the fact that some of its membership, including [REDACTED] were incarcerated.

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SF T-1, 8/28/67

The BPPSD ceased to be active as an organization in late August, 1967, but HUEY NEWTON carried on in the name of the organization by making speeches at various locations in the San Francisco Bay Area.

SF T-1, 10/25/67 and
11/7/67

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Records of the Sacramento, California, Police Department, disclose that at approximately 12:00 Noon on May 2, 1967, a group of 24 Negro males, identifying themselves as members of the EPPSD, made a protest march and appearance at the California State Capital, Sacramento, California. The purpose of their appearance was to protest an assembly bill being introduced on that date by Assemblyman DONALD MULFORD. The bill being introduced by Assemblyman MULFORD prohibits instruction in the use of firearms for the commission of the crime of riot. It further prohibits the carrying of a loaded firearm on ones person in a public street or within a public place within any city. The legislation provides for specified exclusions, such as police officers, members of the armed forces, and certain guards.

Upon arriving at the capital, one group, composed of approximately 12 men, went to the Assembly Chambers on the second floor of the capital building. This group was armed with rifles, shotguns, and hand guns. The group forced its way past two Sergeants-At-Arms and entered the floor of the Assembly Chamber, which is closed to the public and is so posted. The group was removed from the Assembly Chambers by member of the State Police and Sergeants-At-Arms.

Shortly after leaving the capital building, the entire group congregated at a street corner in Sacramento, California, in possession of loaded weapons and 24 Negro men were arrested by the Sacramento Police Department officers. Twelve firearms, consisting of four hand guns, five rifles, and three shotguns were confiscated.

The group was taken to the Sacramento City Jail and each individual was charged with violation of Section 182.1 of the California Penal Code which is conspiracy, the specific charge in this instance being conspiracy to commit a misdemeanor (disturbing the State Assembly while in session), which is a violation of the California Penal Code.

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On May 2, 1967, a Municipal Court Judge set bond on each individual at \$2,200.00. Two individuals made bond. The rest remained in custody and all were arraigned at Municipal Court on the same date.

The following individuals were arrested and were thus identified as being members of the BPPSD:

[REDACTED]	
date of birth	[REDACTED]
Residence	[REDACTED] Oakland, California
CII #	[REDACTED]

[REDACTED]	
Date of Birth	[REDACTED]
Residence	[REDACTED] , Oakland California
CII #	[REDACTED]

[REDACTED]	
Date of Birth	[REDACTED]
Residence	[REDACTED] , Oakland, California
CII #	[REDACTED]

ELDRIDGE CLEAVER
Date of Birth August 31, 1935
Residence: 301 Broadway, San Francisco, California
CII #715185
FBI #2148308

[REDACTED]	
Date of Birth	[REDACTED]
Residence	[REDACTED] , Oakland, California
CII #	[REDACTED]

[REDACTED]	
Date of Birth	[REDACTED]
Residence	[REDACTED] Oakland, California
CII #	[REDACTED]
FBI #	[REDACTED]

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[redacted]
Date of Birth [redacted]
Residence: [redacted], Oakland, California
CII # [redacted]

[redacted]
Date of Birth [redacted]
Residence: [redacted]
CII # [redacted]

BOBBY JAMES HUTTON
Date of Birth April 21, 1950
Residence: 898 56th Street, Oakland, California
CII #3233969

[redacted]
Date of Birth [redacted]
Residence: [redacted], Richmond, California
CII # [redacted]
FBI # [redacted]

[redacted]
Date of Birth [redacted]
Residence: [redacted] Oakland, California
CII # [redacted]

[redacted]
Date of Birth [redacted]
Residence: [redacted] Oakland, California
CII # [redacted]
FBI # [redacted]

[redacted]
Date of Birth [redacted]
Residence: [redacted], Berkeley, California
CII # [redacted]
FBI # [redacted]

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SF 100-58841
WJW/rlk

[redacted]
Date of Birth [redacted]
Residence: [redacted], Oakland, California
CII # [redacted]
FBI # [redacted]

[redacted]
Date of Birth [redacted]
Residence: [redacted], Oakland, California
CII # [redacted]
FBI # [redacted]

[redacted]
Born [redacted]
Residence: [redacted], Oakland, California
CII # [redacted]

Records of the Oakland Police Department, as reviewed on October 20, 1967, and November 3, 1967, disclosed that the following individuals, in addition to those above-mentioned, are suspected members of the BPPSD:

[redacted]
Date of Birth [redacted] (place not given)
Residence: [redacted], Oakland California

[redacted]
Date of Birth [redacted] (place not given)
CII # [redacted]
FBI # [redacted]

[redacted]
Residence: [redacted] Albany, California
Oakland Police Department (OPD) # [redacted]
Operator's License [redacted]
Social Security Number [redacted]

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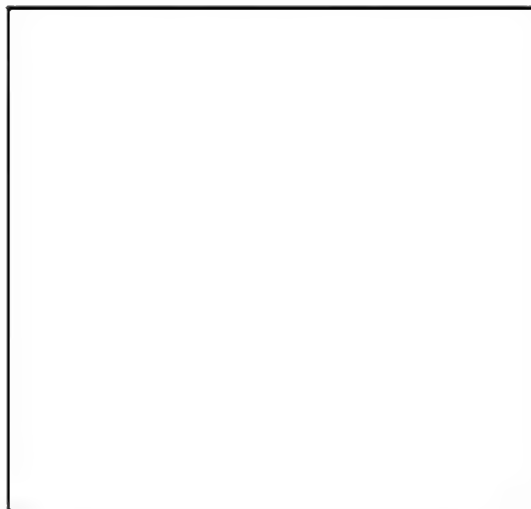
[redacted]
Residence: [redacted] Berkeley, California
CII # [redacted]
Operator's license [redacted]

[redacted]
[redacted] also known as [redacted] and [redacted] are
suspected members of the EPPSD in the Richmond, California,
area.

SF T-8, 8/3/67

The DPPSD has been accepted as of May 31, 1967, as
an inter-club Council Member at Merritt College, Oakland. Their
faculty advisor is [redacted]. [redacted] is [redacted]
and [redacted] is [redacted]. Meetings are held at 11:00 AM
on Tuesdays and Thursdays in Room B-4. A \$3.00 membership fee
is requested, but persons will be allowed to join for 50¢ if
they do not have the \$3.00.

Persons who signed up as of May 31, 1967, are as
follows:



SF 100-58841
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VIII. POLITICAL PHILOSOPHY

In April, 1967 sale of the small red book entitled "Quotations of Chairman MAO Tse-tung" was conducted principally to raise funds for the BPPSD. Copies of this book were purchased from the New China Bookstore in San Francisco. The members do not comprehend the complexities and details of the Maoist philosophy and teachings. Communist or Marxist material and literature was not used at membership meetings for distribution or educational purposes. The BPPSD does not advocate communism or socialism but does oppose the existing social and economic order as it does not live up to their expectations and desires in racial matters.

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The political philosophy of the BPPSD is a synthesis or amalgamation of the ideas and thoughts advanced by such leaders as Chairman MAO Tse-tung of Communist China, MALCOLM X LITTLE, Founder of the OAAU and ROBERT F. WILLIAMS of the Revolutionary Action Movement (RAM), and also well known former militant Negro writers as FRANTZ FANON, MARCUS GARVEY and W. E. B. Du Bois. Only [redacted] HUEY PERCY NEWTON and [redacted] were fully informed on the political philosophies of the organization. With the possible exception of ELDRIDGE CLEAVER, San Francisco Branch Captain of BPPSD, none of the other activist members appeared to be knowledgeable of or interested in the political philosophies of the organization as expounded by the top leadership.

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The July 20, 1967 issue of the BPPCNS on page 4, columns 4 and 5 contains an article captioned "Black Panthers and Hunter's Point" by BOBBY SEALE. This article states in part as follows:

"The Black Panther Party for Self Defense was invited to a local federally funded Poverty Program

"in Hunter's Point on July 10, 1967 where I addressed some 200 black brothers and sisters ranging in age from 14 to 30 at Fremont Grammar School...

"It was explained to the black youth that we have been miseducated about what politics really is. That politics is war without bloodshed and war is politics with bloodshed, and that our blood is being shed daily simply because black people have certain political desires and needs. Politics is related to the adverse conditions that we are subjected to. I explained to the black brothers and sisters that politics starts with hungry stomachs, dilapidated housing, murder and brutal treatment by racist cops, unfair treatment received in the courts, the way black men are drafted into the military forces and are forced to fight other colored people of the world who, as brother STOKELY CARMICHAEL says, 'have never called us nigger'.

"....and now this racist dog invites, lures, and forces black people to fight in a maiming, murderous, genocidal war against people of the world while the racist police in Hunters Point and in our black communities throughout America are murdering and slaughtering black people.

"....when a black revolutionary starts preparing his people, he must let the people know in what direction they are going.... It was explained to the brothers that they as youth who have been resisting oppression across this country must develop a tactic and unite around something

"practical and that the only practical thing that a people can unite around to seek their liberation is the gun... that the party understands the necessity of uniting around the gun, arming ourselves in self-defense in all areas of racist oppression...

"When black people cause political consequences because we do not receive what we want, then we are dealing in real politics...

"...the only thing that we can do now, brothers and sisters, is to get our guns organized, forget the Ins and shoot it Out. Organize with the tactics to be taught by the Black Panther Party for Self Defense... But our goals...is simply to drive this racist dog, the racist policeman out of our communities...and while we are surviving everyday in our struggle remember when you rip something off, steal from the white man, snatch up whatever you can, you are dealing with real politics...Black people and real political consequences will change this racist decadent system."

IX. SPEECHES AND WRITINGS

A. HUEY PERCY NEWTON

The June 20, 1967 issue of the BPPCNS on page 3, columns 1 through 5 carries an article entitled "In Defense of Self Defense" by HUEY P. NEWTON, Minister of Defense, which states in part as follows:

"....The black people in America are the only people who can free the world, loosen the yolk of colonialism and destroy the war machine. As long as the wheels of the imperialist war machine are turning,

"there is no country that can defeat this monster of the west. But black people can make a malfunction of this machine from within. Black people can destroy the machinery that is enslaving the world. America cannot stand to fight every black country in the world and fight a civil war at the same time. It is militarily impossible to do both these things at once.

"The slavery of blacks in this country provides the oil for the machinery of war that America uses to enslave the peoples of the world. Without this oil the machinery cannot function. We are the driving shaft, we are in such a strategic position in this machinery that once we become dislocated, the functioning of the machinery breaks down."

The July 20, 1967 issue of the BPPCNS on page 3, columns 1 through 5, contains an article captioned "The Correct: Handling of a Revolution" by Minister of Defense, HUEY P. NEWTON, which states in part as follows:

"....At this time the black masses are mishandling the resistance in this regard.

"The Vanguard Party must provide leadership for the people. It must teach the correct strategic methods of prolonged resistance through literature and activities. If the activities of the party are respected by the people, the people will follow the example. This is the primary job of the party. This knowledge will probably be gained second-hand, by the masses...When the people learn that it is no longer advantageous for them to resist by going to the streets in large numbers

"and when they see the advantage in the activities of the guerilla warfare method, they will quickly follow this example... When the Vanguard group destroys the machinery of the oppressor by dealing with him in small groups of three and four and then escapes the might of the oppressor, the masses will be overjoyed and will adhere to this correct strategy. When the masses hear that a gestapo policeman has been executed while sipping coffee at a counter, and the revolutionary executioners fled without being traced, the masses will see the validity of this type of approach to resistance.

"The party must exist above ground as long as the dog power structure will allow, and hopefully when the party is forced to go underground the message of the party will already have been put across to the people. The vanguard party's activities on the surface will necessarily be short-lived. This is why it is important that the party make a tremendous impact upon the people before it is driven into secrecy.

"...If the Chinese revolution is investigated it will be seen that the Communist Party was quite on the surface so that they would be able to muster support from the masses....A revolutionary must realize that if he is sincere, death is imminent due to the fact that the things he is saying and doing are extremely dangerous. Without this realization, it is impossible to proceed as a revolutionary. The masses are constantly looking for a guide, a Messiah, to liberate them from the hands of the oppressor....it is of prime importance that the vanguard party

"develop a political organ such as a newspaper produced by the party as well as employ strategically revolutionary art and destruction of the oppressor's machinery...

"The Black Panther Party for Self Defense teaches that in the final analysis the amount of guns and defense weapons, such as hand-grenades, bazookas, and other necessary equipment, will be supplied by taking these weapons from the power structure, as exemplified by the Viet Cong".

In early June, 1967 HUEY NEWTON stated that the BPPSD was going to set up a Republic of Free People (ROFP) in North Richmond, California. He said it would be a city within a city and would be more or less of an asylum for people who want to be free within the United States or California. He declared that there would be ROFP sites throughout the United States. That they would protect their own cities and that any police officers in their area would be arrested by the BPPSD. He said they would shoot it out with any police officers that harass our people anywhere near the area of the ROFP. NEWTON stated he was going to Los Angeles, California one weekend in June (1967) to organize another BPPSD.

SF T-5 on 6/13/67

The Sunday, August 6, 1967 edition of the New York Times beginning on page 6, contains a feature article captured "The Goal of the Black Panthers" by SOL STERN, Assistant Managing Editor of Ramparts Magazine. This article quotes the leaders of the BPPSD on their philosophies of violence and revolution against the white power structure they charge is suppressing them. This article states in part as follows:

"HUEY NEWTON provided a 15 minute capsule history of the Negro struggle in America, and then begins to relate it to the world revolution and the example of the people of Vietnam..black people can learn lessons from the fight of the Vietnamese, NEWTON continues; Black people in America also must

"arm themselves for self defense against the same racist army. 'Every time you can execute a white racist gestapo cop you are defending yourself', he concludes."

The aforementioned article on page 4, column 3 continues as follows:

"Following street rally in North Richmond on Saturday afternoon in late June, 1967, NEWTON was asked whether the talk at rallies about killing cops is serious, NEWTON replies it is very serious. Then why, he is asked, stake everything, including the lives of the panthers, on the killing of a couple of cops? 'It won't be just a couple of cops' he says 'when the time comes, it will be part of a whole national coordinated effort.' Is he willing to kill a cop? Yes, he answers, and when the time comes he is willing to die, what does he think is going to happen to him 'I am going to be killed...."

The July 3, 1967 issue of the BPPCNS on page 7, columns 5 and 6 contains the following article:

"GUNS The weapons recommended by the Black Panther Party for Self Defense are as follows:

"GUNS BABY GUNS

- | | |
|---|---------------------------------|
| 1) Army 45 | Army 45 will stop all jive |
| 2) Carbine | |
| 3) 12 guage magnum shotguns with 18" barrell. | Buckshts will down cops |
| Preferably the brand of High Standard | |
| 4) M16 | P38 will open Prison gates |
| 5) 357 Magnum pistols | Carbine will stop a war machine |

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"6) P 38

357 will win us our heaven

And if you don't believe in
lead, you are already dead

"BY MINISTER OF DEFENSE HUEY P.
NEWTON"

At 3:15 pm on September 4, 1967, HUEY NEWTON as Minister of Defense BPPSD spoke at a session of the Black Action Conference, Ravenswood High School, East Palo Alto, California to a group of about 100. He said that the black man must use whatever means he has for protection; the "honkie" cop must be stopped from going into homes and using brutality on colored people. NEWTON also said "If the situation continues in this country, the Negro will be in revolution with 'honkies'." He said the purpose of the BPPSD is to protect the blacks now in revolution.

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9/5/67

The October 31, 1967 issue of "The Gator", San Francisco State College student newspaper on page 1, columns 1 through 3 contains an article captioned "Panther's Newton Speaks...then" which is set forth as follows:

"by STEVE TOOMAJIAN

"To preserve any culture you have to have strength. You have to have the gun. If you don't, your adversary will bring in his guns and impose his culture on you.

"The police are in the black community only to contain us.

"As long as an act is revolutionary, it cannot be regarded as a crime.

"No one risks his life if he doesn't need to.

"These are the words of HUEY NEWTON, spoken at SF State a day before he allegedly killed an Oakland policeman Saturday.

"Little is known about the pre-dawn gunfight, other than the most obvious results.

"NEWTON lies wounded and in satisfactory condition in Oakland's Highland Hospital, wounded policeman HERBERT HEANES remains in serious condition in Oakland's Kaiser Hospital, and patrolman JOHN FREY lies dead in an Oakland mortuary.

"It is no secret that Oakland police keep a close watch on NEWTON, the 25-year old minister of defense for the Black Panther Party for Self Defense.

"In NEWTON's Friday Gallery Lounge address before 300 people, the Panther leader expressed the need for black people to defend their own neighborhoods, and to resist by force the authority of police.

"He and nearly 40 other weapon carrying Panthers have sporadically patrolled the Bay Area's black communities, in addition to a foray into the State Legislature.

"The Panthers believe talk has achieved almost nothing for the black man. Physical force, they say, is the only language which can make the white power structure react.

"No one knows for sure whether HUEY NEWTON actually murdered the Oakland policeman Saturday. No one knows if there were any incidents in that particular situation which would have made him want to kill a cop."

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B. BOBBY GEORGE SEALE

The aforementioned New York Times article dated August 6, 1967, on page 13, column 5, states that at a street meeting of the BPPSD at Potrero Hill, San Francisco, on Saturday afternoon at the end of June, 1967, BOBBY SEALE stated in part as follows:

"Black people can't just mass on the streets and riot. They'd just shoot us down. Instead, it is necessary to organize in small groups to 'take care of business'. The 'business' includes among other things 'executing racist cops'."

The September 11, 1967 issue of the Berkeley Daily Gazette on page 1, column 4, contains an article entitled "Black Panthers Hold Forth at Campus Rally" which states in part as follows:

"SEALE said the Panthers 'are not out to kill white people. If I catch a cop in my community brutalizing any of my people, I'm going to kill him. We're gonna wipe such cats out'."

At a BPPSD rally held at Sproul steps, UCB on May 10, 1967, BOBBY SEALE, Chairman of the BPPSD stated in part that the BPPSD was designed to protect black people from racist cops and that if he saw a cop hit one of his black brothers he would kill him.

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X. CONNECTIONS WITH OTHER ORGANIZATIONS

A. SNCC

A mimeographed leaflet distributed in San Francisco in May, 1967 announced that "The Black Arts Alliance" was on

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Thursday, May 25, 1967 sponsoring a benefit for the Black Panther Party for Self Defense at the Fillmore Auditorium, 1805 Geary Boulevard, San Francisco, and that the speakers would be as follows: HUEY P. NEWTON, Minister of Defense for BPPSD, STOKELY CARMICHAEL, Former Chairman of SNCC and LEROI JONES, black playwright and poet.

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STOKELY CARMICHAEL spoke at the aforementioned event sponsored by the Black Arts Alliance at 1805 Geary Boulevard, San Francisco on May 25, 1967 which was a fund raising event for the BPPSD. CARMICHAEL spoke on organization as the only means by which the government can be overthrown. He said that in four years several of the major cities in this country will have black majorities in control.

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6/7/67

The July 3, 1967 issue of the BPPCNS on page 7, columns 1 through 5 contains an article captioned "STOKELY Drafted by BPPSD", which states that on June 29, 1967, BOBBY SEALE, Chairman of the BPPSD called a press conference on the steps of the San Francisco Hall of Justice. Standing before the television cameras he unrolled a scroll and began to read. The scroll which he read appears in full on page 6 of this issue and is being set forth verbatim as follows:

"BLACK PANTHER PARTY FOR SELF DEFENSE

"HEADQUARTERS: OAKLAND CALIFORNIA

"EXECUTIVE MANDATE NO. 2

"So Let This Be Heard...

"Brother Stokely Carmichael:

"Because you have distinguished yourself in the struggle for the total liberation of Black People from oppression in racist white America;

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"Because you have acted courageously and shown great fortitude under the most adverse circumstances;

"Because you have proven yourself as a true revolutionary guided by a great feeling of love for our people;

"Because you have set such a fine example, in the tradition of Brother MALCOLM, of dedicating your entire life to the struggle of Black Liberation, inspiring our youth and providing a model for others to emulate;

"Because you have refused to serve in the oppressor's racist mercenary aggressive war machine, showing that you know who your true friends and enemies are;

"Because of your new endeavor to organize and liberate the Crown Colony of Washington, D.C., you will inevitably be forced to confront, deal with, and conquer the racist Washington Police Department which functions as the protector of the racist dog power structure, occupying the Black Community in the same manner and for the same reasons that the racist U.S. Armed Forces occupy South Vietnam;

"You are hereby drafted into the Black Panther Party for Self Defense, invested with the rank of Field Marshall, delegated the following authority, power and responsibility:

"To establish revolutionary law, order and justice in the territory lying between the Continental Divide East to the Atlantic Ocean; North of the Mason-Dixon Line to the Canadian Border; South of the Mason-Dixon Line to the Gulf of Mexico.

"...So Let It Be Done:
June 29, 1967

HUEY P. NEWTON,
Minister of Defense"

B. Communist Party (CP)

On May 7, 1967 ROSCOE PROCTOR attended a meeting of the Northern California District CP (NCD CP) in San Francisco,

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California and at this meeting was elected to serve as Chairman of the Negro Commission of the NCDCCP. There was a long discussion of the BPPSD and the controversial activities of that organization. PROCTOR was instructed "to deal with the BPPSD, but not officially" and to report back to the Negro Commission. He further was instructed to inform the BPPSD that with regard to the political charges against them the members of the CP will on an individual basis assist in their defense, but that the CP does not support their program and policies. PROCTOR was further instructed to handle this matter in a manner which would preclude the BPPSD from tying the CP in as supporting the organization in any public announcement. Also PROCTOR was told to inform the BPPSD that any unofficial help would depend on their pledge to desist from creating any further disturbances, referring to the May 2, 1967 "invasion" of the BPPSD of the California State Legislative Assembly, Sacramento, California.

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At the May 21, 1967 meeting of the NCDCCP Negro Commission held in Berkeley, California, it was stated that though the BPPSD had received no advice from the CP that organization now wanted the CP to help defend it. According to PROCTOR the BPPSD had no money and had not themselves talked to any lawyers about their defense on conspiracy charges arising out of the arrest of members of that organization on May 2, 1967 at Sacramento, California. PROCTOR said that he had personally talked to an attorney about their defense on the political charges of conspiracy. PROCTOR learned that in the opinion of the attorney the case against the BPPSD members would be a long drawn out matter with over \$20,000 in attorney's fees involved.

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The July 20, 1967 issue of the BPPCNS on page 6, column 3 states in part:

"ROSCOE PROCTOR, the Commissar of the Black ghetto is the Communist Party's number 1 boy in the Bay Area. When he discovered he would not be able to dictate to the Black Panther Party and to turn the party and the Sacramento case into a tool for the CP he began to do everything he could to foul the party up. ROSCOE lives in a palacial mansion in Berkeley, just as many of the fat cats on the left have grown rich off the suffering of the masses, particularly the black masses."

The Black Panthers refused to promise or guarantee that they would make no public trouble until after their case is settled as had been requested by ROSCOE PROCTOR in his contacts with them. The BPPSD also wanted a defense committee in their name to raise money to defend all aspects of their case and to defend them in any future charges which might arise. The CP position as of June 1967 was that the CP would not in any way be involved with the BPPSD. The NCDGP Negro Commission stood between the CP and the dealings with the BPPSD in an effort to afford help on the political charges. The proposition from the Negro Commission was not accepted. Therefore, no money was to be raised for the BPPSD by the CP.

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C. Socialist Workers Party (SWP)

The July 20, 1967 issue of the BPPCNS on page 6, column 3, contains an article captioned "White 'Mother Country' Radicals", which states as follows:

"PETE CAMEJO and BOB HIMMEL, the two white men who are in principal control of the Socialist Workers Party in the Bay Area, also tried to threaten the Panthers. They are the first ones to show up at any mass function in the black

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"community. They will place themselves in a conspicuous position, spread out their tables covered with black literature and turn on their brotherly smiles. The truth is they are nothing but pretty bourgeois profiteers. What they want is to drain off money from the black community to help finance their tiddley winks politics in the white community. But from the point of view of the black community, these groups are performing the same function that the landlords and small store owners perform in the black community...They are bloodsuckers".

[redacted] is [redacted] of the San Francisco Branch of the SWP and [redacted]
[redacted] is [redacted] of the Oakland-Berkeley Branch of the SWP.

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D. Black Panther Party of Northern California,
San Francisco (BPPNC)

In April, 1967 members of the BPPSD met with members of the BPPNC, San Francisco to discuss the possible merger of the two organizations. In May, 1967 the BPPNC sent a letter to the BPPSD criticizing that organization for their invasion of the California State Legislative Assembly, Sacramento, on May 2, 1967 and referring to this incident as "adventurism". The BPPSD took offense at this letter and approximately 25 to 30 members of the BPPSD went to San Francisco and attacked members of the BPPNC who were meeting at the "Black House", 1711 Broderick Street, San Francisco, California. Two members of the BPPNC were quite seriously injured on this occasion and there were no additional discussions of merger between these two organizations.

The BPPNC is a militant black nationalist organization which has held meetings at 1211 Scott Street, San Francisco, California and has referred to itself as a cultural organizational rather than a political organization and has designed its program to appeal to the intellectual group of black militants.

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E. Black Panther Party of California, Inc. (BPPC)(Los Angeles)

In the Spring of 1967 [] of the Black Panther Party of California, Inc., also known as Black Panther Party of Los Angeles, visited leaders of the BPPSD in Oakland, California and discussed with them a proposed merger of the BPPC and the BPPSD into a state-wide political organization. This proposal was made by []. Later HUEY PERCY NEWTON and [] of the BPPSD went to Los Angeles and ascertained that [] had only eight members in the BPPC rather than the 100 membership he claimed. Contact between these two organizations was thereafter terminated.

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The records of the Secretary of State, State of California, Sacramento; California disclose that on or about June 14, 1967 the BPPC filed Articles of Incorporation with the State of California as a non profit corporation. The purpose for which this organization was formed is stated in part as follows:

"B. Develop a political power for the black community held together and reenforced by cultural identity which is enhanced by political successes...

"E. Make political alliances and/or coalitions with groups which tactically and/or strategically can benefit the community in terms of representation and/or power...The principal office for the transaction of the business of this corporation is to be located in the County of Los Angeles, State of California."

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XI. GENERAL ACTIVITIES AND INCIDENTS

A review of some of the Field Contact Reports of the Oakland, California, Police Department disclosing information concerning the activities of leaders and members of the BPPSD during the early stages of the existence of this organization, as set forth as follows:

On December 4, 1966, HUEY PERCY NEWTON, operator's license K 124266: [redacted] and [redacted] were questioned by an officer of the Oakland Police Department at 1912 16th Avenue Oakland, California. NEWTON was driving a 1958 Volkswagen, bearing California license [redacted] registered to [redacted]. At this time NEWTON was carrying a loaded weapon with clip and asserted that he was carrying this weapon. Because of the white beast. NEWTON claimed police harrassment when his identification was requested.

On January 12, 1967, HUEY PERCY NEWTON, 881 47th Street; and [redacted] Oakland, California, were observed departing from 5624 Grove Street, Oakland, California, the headquarters of the BPPSD, carrying a carbine rifle and a .38 caliber pistol. When questioned by an officer of the Oakland Police Department, they identified themselves as members of the BPPSD. No arrest was made because the weapons were carried in plain view.

On March 4, 1967, [redacted] HUEY PERCY NEWTON, and [redacted] Albany, California, were questioned by an officer of the Oakland Police Department, following a minor traffic accident. At this time [redacted] was wearing an automatic pistol slung over his shoulder in a black holster. The Oakland Police Officer indicated at this time NEWTON was very much agitated and attempted to cause trouble.

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The February 25, 1967, issue of the "Berkeley Barb", a weekly newspaper published in Berkeley, California on page one, column one, carried an article captioned "Armed Panthers Here - Black Power Joins Left", which stated in part that approximately 300 Berkeley High School students attended a rally Tuesday noon (February 21, 1967) and that the rally had been held in spite of police threats to ban the meeting. This article stated further that ELDRIDGE CLEAVER, Rampart's Staff Writer and Chairman of the Bay Area Afro-American Unity Steering Committee, called for the building of MALCOLM X organizations all over the Black American Ghettos and territory. CLEAVER also reportedly stated "if MALCOLM X can die, we can die. We are proud to be black and we don't hide behind our women. One day it will be Molotov Cocktails, next, hand grenades and bullets. If we can't have our freedom then white America will die".

The aforementioned article continued in part as follows:

As if to underscore this point, the next speaker wore a pistol in holster on his belt. He was HUEY NEWTON of the Oakland Black Panther Party for Self Defense. "You have allowed yourself to become black people with a white mind" he said. "Black is right and you can turn this around with this concept". NEWTON pointed out, patting his pistol, "we have this, but you can't fight with just guns. The next step is to go out into the black community and organize for your needs. If we don't get them, then we can dissolve this union of America".

On April 12, 1967, Inspector [redacted] Richmond, California, Police Department advised that representatives of the BPPSD had recently attended a meeting of the Negro activists of the Richmond, California Negro community, and that at this meeting, all agreed that a confrontation with the white population on any issue must be obtained to stimulate enthusiasm on Negro rights matters.

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On April 18, 1967, Inspector [redacted] advised that on April 17, 1967, [redacted] Council of Community Service, Office of Economic Opportunity, 336 6th Street,

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Richmond, requested that Contra Costa County District Attorney JOHN NEJEDLEY meet with him on that date to discuss possible difficulty in connection with racial matters.

Inspector [] made the observation that recently a Negro by the name of DENZIL DOWELL had been shot and killed by a Contra Costa County Deputy Sheriff, while in the act of burglarizing a residence. A coroner's inquest on April 13, 1967, ruled that the deputy's action was justifiable homicide.

According to Inspector [], District Attorney NEJEDLEY met with [] and unannounced there appeared seven representatives of the BPPSD, all armed with firearms, shotguns, rifles, and bandoliers of ammunition. There were no difficulties and NEJEDLEY felt that the purpose of the visit was to flaunt the fact that there was no legal ordinance restricting the carrying of firearms when carried in open view.

On April 19, 1967, Inspector [] advised that on April 18, 1967, representatives of the BPPSD participated in a protest demonstration by Negroes of the Richmond community regarding the spanking of a Negro junior high school student at the Helms Junior High School, Richmond, by a white teacher. One of the leaders, believed to be [], was wearing a pistol in a shoulder holster on this occasion.

On April 21, 1967, Sergeant [], Intelligence Unit, Oakland Police Department, advised that early on the night of April 18, 1967, five Negroes, all in their early 20's and all dressed in three quarter length jackets of black leather, purchased a Hi Standard 129 pump riot shotgun, model K 1200L06, from a store in Berkeley, California. The person who took possession of the gun was HUEY PERCY NEWTON, 811 47th Street, Oakland.

Sergeant [] further advised that the records of the Oakland Police Department, Crime Report #18886, disclosed that approximately 9:40 PM, on the same night, April 18, 1967, an officer of the Oakland Police Department, was seated in a

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marked police car at 53th and Dover Street, Oakland, and noticed a 1954, four door white over green Chevrolet sedan, California license LTD 687, as it passed slowly by him. The officer observed two occupants in the front seat and saw that the passenger was holding a shotgun in an upright position. The officer put on his red light and siren, stopped this car, and requested the driver to get out. The driver refused and asked "Am I under arrest?" After the officer responded, "No, not at the moment.", the driver again refused to get out of the car as instructed. When the officer opened the car door, the driver then grabbed the shotgun from the passenger and got out of the car. When the officer asked to be handed the shotgun, the driver refused, stating, "This is my property and I have a right to carry it." The driver then walked over to the south curb and held the gun at port arms and began shouting in a loud voice, "Here is a white bigot, we have the right to bear arms, gather around my people." During this time, the passenger was unloading a .45 caliber automatic, which he had holstered to his right side outside of his clothing.

The aforementioned report further disclosed that after other units of the Oakland Police Department arrived, including a photography-technician, the driver produced identifying data which revealed him to be HUEY NEWTON and the passenger produced identification which disclosed him to be [REDACTED]. An unarmed passenger in the rear seat of the car identified himself as BOBBY HUTTON, age 16, 898 56th Street, Oakland. At the time of this incident, adult classes at nearby Merritt College were letting out and NEWTON shouted to the homeward bound students "We are out here to protect you from the baby killers".

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After talking briefly about how a young Negro had been mortally wounded by a Deputy Sheriff in North Richmond, California, NEWTON invited those assembled to attend the next meeting of the BPPSD on the following Saturday night. He said that he

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would teach them how to use guns so they could kill the fascist police. NEWTON kept asking for someone in the crowd to get ahold of the newspapers and television stations.

The April 30, 1967, issue of the San Francisco Sunday Examiner and Chronicle on Page 4, Columns 1 through 3, carried an article entitled 'The Gun Wearing Black Panthers', with a photograph of BOBBY GEORGE SEALE wearing a holstered pistol outside of his leather jacket and HUEY NEWTON carrying a shotgun at port arms position and wearing a bandolier of shotgun shells. Beneath the photograph appears the statement "They make no bones about being anti-white or about being revolutionary". This article states in part as follows:

"A dozen armed Black Panthers appeared in Martinez a week ago Thursday to protect Contra Costa County Sheriff Walter Young about what they call the 'murder' of a young Negro burglar suspect in North Richmond. The confrontation ended with no decision -- and with no guns being fired.

"Yesterday, they held a quiet outdoor meeting in North Richmond to discuss the same shooting.

"Some 150 Negroes listened as leaders of the group stood atop autos to make speeches and armed guards kept away all whites. The speakers reportedly advised the crowd what to do regarding alleged police brutality.

"While Contra Costa County Deputies kept an eye on the gathering from a helicopter, no action was taken on the ground, since a Sheriff's spokesman said 'the Black Panthers broke no laws and displayed their weapons openly.'

The May 2, 1967, invasion of the California State Legislative Assembly by a group of individuals stating themselves to be members of the BPPSD has been set forth in the section of Membership and Meetings, and will not be restated here.

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Records of the Oakland Police Department contain the following information:

ON May 22, 1967, three members of the Black Panther Party for Self Defense, HUEY P. NEWTON, [redacted] and [redacted] were arrested by the Oakland, California, Police Department. Oakland police officers were investigating a complaint alleging that juveniles were observed with a sawed-off shotgun in North Oakland. Investigating officers located the juveniles reported, who ran into a house upon sighting the police officers. Investigating officers entered and searched the house in order to locate the juveniles and the reported shotgun. While the officers were still investigating the complaint, NEWTON, [redacted] and [redacted] arrived and accosted the officers.

NEWTON had a dagger with a 9 and 1/2 inch blade in his hands which he shook in the face of one of the officers and asserted that the officer's throat was going to be slit. [redacted] was carrying a .45 caliber semi-automatic pistol. HUEY NEWTON was charged with disturbing the peace, displaying a deadly weapon in a threatening manner, possession of a knife with a blade in excess of 3 and 1/2 inches, and use of profanity. [redacted] was charged with disturbing the peace and using profanity. [redacted] was charged with violation of the Oakland Municipal Code - Carrying a Deadly Weapon.

[redacted] and NEWTON were all released on bail on the afternoon of May 22, 1967. The dagger and .45 caliber pistol were seized as evidence. The three members of the BPPSD will be arraigned in Oakland Municipal Court on the morning of May 23, 1967.

On the afternoon of May 22, 1967, members of the BPPSD congregated at the public entrance to the Oakland City Jail on Broadway between Sixth and Seventh Streets. Two members of this group carried firearms consisting of one shotgun and one semi-automatic pistol of small caliber and foreign manufacture. These weapons were taken from the Black Panthers on orders of Deputy Chief of Police BROWN. The weapons were emptied of ammunition and returned to the Black Panther members

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On the morning of May 23, 1967, in the Oakland, California Municipal Court of Judge MARTIN PULICH, HUEY P. NEWTON, [REDACTED], and [REDACTED] appeared for arraignment. These individuals were accompanied by other members of the Black Panther Party for Self Defense who were bearing firearms. Judge PULICH ordered the entire group to leave the courtroom.

After the Black Panther group had departed from the courtroom, Oakland police ascertained that two members of the group were carrying shotguns with barrels of illegal length. [REDACTED] and BOBBY HUTTON were arrested for possession of illegal firearms. Bail was set at \$3,300 for [REDACTED] HUTTON is a juvenile.

At 3:30 AM, May 24, 1967, Officers of the Oakland Police Department arrested [REDACTED] at his residence, [REDACTED] was arrested on authority of a warrant issued by Judge MARTIN PULICH, Oakland Municipal Court. The warrant charges violation of Penal Code, Section 4574, in that he carried a loaded firearm in or about the Oakland City Jail on May 22, 1967. Bail for [REDACTED] has been set at \$3,300.00. He will appear for arraignment in Oakland Municipal Court on May 25, 1967.

On July 6, 1967, Sergeant [REDACTED], Intelligence Unit, Oakland, California Police Department, advised that commencing at 12:30 PM on July 5, 1967, a rally sponsored by the BPPSD was held on the library steps of Merritt College, 5714 Grove Street, Oakland, California, to demand a "black curriculum" at Merritt College and to urge the hiring of additional Negro instructors at that college. Two of the speakers were: HUEY PERCY NEWTON, Minister of Defense, BPPSD, and SIDNEY WALTON, Negro counselor at Merritt College, who is the faculty sponsor of the BPPSD on campus and is a member of the BPPSD. HUEY NEWTON made statements to the effect that the Black People of the U.S.A. are enslaved by "White Racism" and WALTON related that Negroes make up 26% of the enrollment at Merritt College and that the administration at that college has not hired Negro instructors in proportion to the Negro enrollment.

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On July 6, 1967, Sergeant [] advised that investigation by the Oakland Police Department disclosed that [] age 26, Caucasian student at Merritt College, had heckled the speakers, described himself as a Nazi; referred to the speakers as "niggers" and endeavored to take the microphone away from WALTON. When [] of the BPPSD, tapped him on the shoulder [] took a swing at him and a fracas resulted in which blows were exchanged and [] fled into the college building. While this incident was in progress, a second Caucasian Merritt College student, [] age 27, intervened on behalf of [] by holding the arms of one of the members of the BPPSD who was about to strike [] [] also was struck several times by members of the BPPSD and was chased from the scene of the rally.

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XIII. FINANCES

On April 1, 1967, a meeting of the BPPSD was held at headquarters, 5624 Grove Street, Oakland, with approximately 16 Negro males in attendance. At this meeting, it was decided that on April 15, 1967, all of the members of the BPPSD would proceed to San Francisco and endeavor to sell copies of the book "Quotations from Chairman, Mao Tse-tung" at the demonstration by the Spring Mobilization Committee to End the War in Viet Nam. They hoped to raise approximately \$1,000.00 through the sale of the copies of this book and planned to use the proceeds to purchase guns and ammunition.

SF T-7, 5/29/67

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SF T-15, 11/3/67

The above bank information is not to be made public except through the issuance of a subpoena duces tecum.

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XIII. HUEY PERCY NEWTON, CHARGED WITH MURDER OF
OAKLAND POLICE OFFICER AND ATTEMPTED MURDER
OF ANOTHER OAKLAND POLICE OFFICER, OCTOBER 28, 1967

On October 28, 1967, Officer [REDACTED], Intelligence Unit, Oakland Police Department, advised that at 5:00 AM on that date, Oakland Police Officers JOHN F. FREY, age 23, and [REDACTED], age 24, made a routine traffic violation car stop of the car driven by HUEY PERCY NEWTON at 7th and Willow Streets, Oakland, California. NEWTON got out of the car while officers were waiting results of car registration check by radio. NEWTON had no drivers license in his possession. As officers and NEWTON walked toward NEWTON's car, NEWTON pulled a 9 millimeter pistol from his waistband, fatally shot officer FREY and critically wounded Officer [REDACTED]. NEWTON was also wounded and was placed under guard at Kaiser Hospital, Oakland, where he underwent surgery for gunshot wounds.

Officer [REDACTED] advised that the Oakland Police Department was conducting an intensive investigation to identify and locate the individual who was accompanying NEWTON at the time of this incident on October 28, 1967.

Records of Municipal Court, Oakland, California, disclose that on October 30, 1967, a complaint was filed charging HUEY PERCY NEWTON with murder and assault with intent to commit murder. He was accused of the fatal shooting of Officer JOHN F. FREY and the wounding of Officer [REDACTED].

On October 31, 1967, NEWTON was arraigned before Municipal Judge STAFFORD P. BUCKLEY at his bedside at Highland Hospital, Oakland, California.

On October 28, 1967, Inspector [REDACTED] Homicide Detail, Oakland Police Department made the observation that as of October 28, 1967, the date of the fatal shooting, NEWTON was out on bail on appeal from convictions or charges arising out of incidents on May 22, 1967, and June 4, 1967. NEWTON was

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WJW/rlk

scheduled to appear in Municipal Court, Oakland, on November 17, 1967, to appeal conviction of charges, making threats with a weapon, possession of illegal knife, using profanity and disturbing the peace on May 22, 1967, in Oakland.

Inspector [] further advised that the automobile driven by NEWTON on the early morning of October 23, 1967, was a Volkswagen sedan, bearing California license [], registered to [], Oakland, age 22, a [] with the Neighborhood Youth Corps.

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AS of October, 1967, HUEY PERCY NEWTON was living with [], Oakland.

SF T-1, 10/25/67

The November 2, 1967, issue of "The Bird's Word", published by the Associated Students of Merritt College, Oakland, California, in a front page article stated in part as follows:

"Help Huey! Black students, one of our black leaders, Minister of Defense Huey Percy Newton, needs our black support. Here are four ways to give it: ..."

This article which was signed by CAROLYN SCOTT, under item number 4, stated as follows:

Remember that if anything happens to Huey, it happens to the black community and that the white power student must be made to suffer the political consequences."

The November 4, 1967, issue of "The Sun Reporter", San Francisco, California, Negro Community newspaper, on page 13, Columns 1 through 3, contained an article captioned "Fund Drive Opens to Aid Black Panther Minister", which states in part as follows:

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A Negro section of the black community held a meeting on October 30, 1967, in Oakland and formally established the Huey Percy Newton Defense Fund. Machinery was set up to raise money to cover the long and expensive legal battle which all experienced observers know is in the offing.

"SNCC and CORE, through their national offices, have pledged their complete and continuous support, have agreed to help develop branches of the defense fund in local areas across the nation, where they have roots in the community."

"Locally, black and white students on college campuses have set in motion machinery to establish student committees to support Huey P. Newton. At University of California in Berkeley, there is particularly intensive activity by students to rally to Huey's support. They indicate that much of their motivation for doing this grew out of the savage brutality visited upon them by the Oakland cops during the recent demonstrations against the draft at the Oakland Induction Center."

"Everywhere people are discussing this case and there is an unprecedented groundswell of support and it is crystal clear that this is going to be the biggest case to be aired in America since the SCOTTSDORRO boy's case in the 30's. People are arranging banquets, house parties, and numerous other events to raise funds for the effort."

The November 8, 1967, issue of "The Daily Californian" Associated Students newspaper of UCB, on Page 3, Columns 1 through 5, carried an article entitled "Black Student Union Here Finances Rally", which stated in part as follows:

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Members of the Campus Afro-American Student Union (AASU) took possession of Sproul Steps Rally yesterday in spite of a ruling by the University that the rally time was not theirs.

AASU members stressed that they needed the rally time yesterday in conjunction with one today in order to speak on the imprisonment and impending trial of Huey P. Newton, who is accused of killing an Oakland Policeman and wounding another, last week.

"JIM NABORS, Vice Chairman of the AASU said at the rally that members of the Volition had 'made no overt effort to understand our immediate problem or to contact us on a group-to-group basis...."

"On seizing the rally from Volition, Nabors said that 'I've been denied so long that anything I take is right."

"Huey P. Newton was defended at the rally as a man 'whose only crime was to be born in white racist America."

"Nabors said that the AASU would demand that NEWTON be freed from jail before his trial and that he be 'tried before his peers', and not before an all white jury .

"Nabors said Newton 'committed the crime of protecting black women first, black children second, and white policemen last, and any white man who doesn't like it can go take a crap."

"He concluded by saying that 'if you touch any black woman, man or child with the intend to harm, kill or anything, we are going to assert blackness all over you.'"

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On November 13, 1967, Officer [] Intelligence Unit, Oakland Police Department, advised that HUEY PERCY NEWTON had been transferred from the hospital at California State Prison, San Quentin, California, on November 11, 1967, to the Graystone Annex, Santa Rita Rehabilitation Center, Alameda County Sheriff's Office, Pleasanton, California.

On November 14, 1967, Officer [] advised that HUEY PERCY NEWTON had on November 13, 1967, been indicted by the Alameda County Grand Jury. A four count indictment was returned accusing NEWTON of murder,, assault with a deadly weapon on a police officer, kidnaping, and one count of having a prior felony, a 1964 assault conviction for which he received probation. The kidnaping count involved the abduction of [] the driver of a passing automobile commandeered at gunpoint by NEWTON, following the shooting.

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On November 15, 1967, Officer [] advised that on November 16, 1967, NEWTON was scheduled to appear in Superior Court, Alameda County, to hear the reading of the charges against him and to advise him of his rights.

1

BAY AREA PROGRESSIVE LABOR PARTY, aka
 Bay Area Progressive Labor Movement,
 Bay Area Progressive Labor,
"Progressive Labor"

The masthead in the February 8, 1965 issue of "Spark" reflects it is published by the Progressive Labor Movement of the Bay Area, P.O. Box 73, Station A, Berkeley...page 4 of this issue of "Spark" carries an article describing MORT SCHEER as the "West Coast organizer" of the Progressive Labor Movement (PLM).

A source advised on January 7, 1965, that MORTIMER SCHEER, following a press conference in San Francisco, California, on January 7, 1965, related that he was the West Coast Organizer for the PLM and National Vice Chairman. PLM was started about three years ago as a national organization located mainly in the New York and Buffalo areas, and he has been here since last July striving to organize PLM. He stated PLM has several publications, including "Progressive Labor," a monthly, and the "Marxist-Leninist Quarterly."

The April 19, 1965 issue of the "San Francisco Chronicle," a daily San Francisco newspaper, carried an article which related that the Progressive Labor Party (PLP) was officially formed April 18, 1965, after a four day convention in New York. PLP was formerly known as the Progressive Labor Movement and MORT SCHEER was elected as one of the vice presidents of PLP.

A second source advised during May, 1967, that the Bay Area Progressive Labor Party (BAPLP) rents an office at 2929 16th Street, San Francisco, California, which is used as a headquarters and mailing address.

1.

COMMUNIST PARTY, USA
MARXIST-LENINIST (CPUSA, M-L)

On August 24, 1965, a source advised that the West Coast Provisional Organizing Committee for a Marxist-Leninist Communist Party (WCPOC) was formed in Los Angeles, California, on August 23, 1965, under the leadership of MIKE LASKY. Although similar in name, the newly organized WCPOC had no connection whatsoever with the Provisional Organizing Committee for a Marxist-Leninist Communist Party (POC) or the latter's West Coast POC.

On September 7, 1965, the above source advised that a National Conference of the newly formed WCPOC was held over the September 4-5, 1965, weekend in Los Angeles. At that meeting, the name WCPOC was dropped, and the CPUSA, M-L was formed under LASKY's leadership. The CPUSA, M-L has the following aims and purposes:

1. To conduct guerrilla warfare training, including the use of firearms;
2. To organize CPUSA, M-L cells in the South to exploit all "racial situations" that might arise there, to agitate the population, and create situations which would require the use of Federal Troops so that Americans would be fighting Americans;
3. To establish and maintain an accelerated recruiting program to include acceptance of anyone who is an anti-imperialist.

On May 5, 1967, the above source advised that the CPUSA, M-L continued to exist.

APPENDIX

MUSLIM MOSQUE, INCORPORATED (MMI)

The March 13, 1964, edition of "The New York Times," a daily newspaper published in New York, New York, contained an article on page 20 which indicated that MALCOLM X (LITTLE), former national official of the Nation of Islam (NOI) who broke with the NOI on March 8, 1964, publicly announced in New York City on March 12, 1964, that he had formed the Muslim Mosque, Incorporated (MMI). The MMI, according to the article, would be a broadly based politically oriented black nationalist movement for Negroes, only, financed by voluntary contributions. In this public statement, MALCOLM X urged Negroes to abandon the doctrine of non-violence when it is necessary to defend themselves in the civil rights struggle, and he also suggested that Negroes form rifle clubs to protect their lives and property in time of emergencies in areas where the government is unable or unwilling to protect them.

Incorporation papers of the MMI filed on March 16, 1964, with the Business Section, Clerk of Courts, New York County, New York, reflect that the MMI was incorporated under the Religious Corporation Law of the State of New York to work for the imparting of the Islamic Faith and Islamic Religion in accordance with "accepted Islamic principals." The principal place of worship to be located in the Borough of Manhattan, New York, New York.

The May 23, 1964, edition of the "New York Amsterdam News", a weekly Negro newspaper published in New York City, contained an article by columnist JAMES BOOKER in which he indicated that he had heard that the visit by MALCOLM X with Muslim leaders during his African tour has changed him to become soft in his anti-white feelings and to become more religious.

On October 6, 1964, a confidential source advised that the MMI is apparently affiliated with the true orthodox Islamic Religion through its affiliation with the Islamic Foundation (of New York), 1 Riverside Drive, New York City. The only teachings of the MMI are on the Islamic Religion.

This confidential source advised on May 17, 1965, that the headquarters of the MMI are located in Suite 128, Hotel Theresa, 2090 Seventh Avenue, New York, New York, where they were established on March 16, 1964. These headquarters are shared with the Organization of Afro-American Unity, Incorporated (OAAU) which was also headed by MALCOLM X.

MALCOLM X was assassinated on February 21, 1965, while addressing an OAAU rally at the Audubon Ballroom, Broadway and 166th Street, New York City.

This same confidential source advised on September 8, 1965, that the activities of the MMI following the death of MALCOLM X were limited to the teaching of classes in the Islamic religion and a class in judo for self-protection. These classes were held regularly until the latter part of July, 1965, when they were discontinued. Since then, the MMI has held no meetings and there has been absolutely no activity by the MMI which appears to be completely "dead."

APPENDIX

1

NATION OF ISLAM, Formerly referred to as the Muslim Cult of Islam, also known as Muhammad's Temples of Islam

In January, 1957, a source advised ELIJAH MUHAMMAD has described his organization on a nationwide basis as the "Nation of Islam" and "Muhammad's Temples of Islam."

On May 5, 1967, a second source advised ELIJAH MUHAMMAD is the national leader of the Nation of Islam (NOI); Muhammad's Temple of Islam No. 2, 5335 South Greenwood Avenue, Chicago, Illinois, is the national headquarters of the NOI; and in mid-1960 MUHAMMAD and other NOI officials, when referring to MUHAMMAD's organization on a nationwide basis, commenced using either "Mosque" or "Temple" when mentioning one of "Muhammad's Temples of Islam."

The NOI is an all-Negro organization which was originally organized in 1930 in Detroit, Michigan. MUHAMMAD claims to have been selected by Allah, the Supreme Being, to lead the so-called Negro race out of slavery in the wilderness of North America by establishing an independent black nation in the United States. Members following MUHAMMAD's teachings and his interpretation of the "Koran" believe there is no such thing as a Negro; that the so-called Negroes are slaves of the white race, referred to as "white devils," in the United States; and that the white race, because of its exploitation of the so-called Negroes, must and will be destroyed in the approaching "War of Armageddon."

In the past, officials and members of the NOI, including MUHAMMAD, have refused to register under the provisions of the Selective Service Acts and have declared that members owe no allegiance to the United States.

On May 5, 1958, the first source advised MUHAMMAD had, upon advice of legal counsel, tempered his personal statements and instructions to his ministers concerning the principles of his organization in order to avoid possible prosecution by the United States government; however, he did not indicate any fundamental changes in the teachings of his organization.

On May 2, 1966, a third source advised MUHAMMAD had, early in July, 1958, decided to de-emphasize the religious aspects of the teachings of Islam and to stress the economic benefits to be derived by those Negroes who joined the NOI. This policy change, according to MUHAMMAD, would help him acquire additional followers and create more interest in his program.

APPENDIX

1

OAKLAND DIRECT ACTION COMMITTEE, aka
Oakland Direct Action for Freedom Now,
ODAC

On February 9, 1965, a source advised that on that date at Oakland Direct Action Committee (ODAC) headquarters, 8512 East 14th Street, Oakland, California, MARK EVERETT COMFORT, Chairman of ODAC, held a press conference. COMFORT stated that the objective of ODAC was to organize the Negro community, particularly in the eastern section of Oakland, commonly known as East Oakland. He said that ODAC would make demands for equal housing, equal job opportunities and living conditions, and would educate the Negro community to realize that "things are not as good as they seem." COMFORT said that ODAC, in contrast to existing civil rights organizations, would strongly emphasize police brutality.

The January 25, 1964 issue of the "People's World" (PW), page 3, contains an invitation to the 26th anniversary celebration of the PW to be held on February 1, 1964, in San Francisco, California. This invitation lists MARK COMFORT as one of four special guests to be honored at this celebration.

The PW is a West Coast Communist newspaper.

A second source advised that [redacted] attended the National Convention of the Progressive Labor Party (PLP) held in New York City April 15 - 18, 1965, as a delegate and was assigned to the "Black Liberation" workshop.

A third source advised that since the beginning of ODAC, [redacted] has been in frequent contact with [redacted] [redacted] the Bay Area Progressive Labor Party, concerning plans and activities of [redacted] in the civil rights movement. This source stated that in November, 1965, [redacted] said he felt that [redacted] was on the side of the PLP.

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APPENDIX

A fourth source advised that as of April, 1966, ODAC is operating out of [redacted], Oakland, where [redacted] is assisted by [redacted] and a Negro teen-age gang known as the Alm Boy Dukes.

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The fourth source, along with a fifth source, advised in March, 1967, that ODAC has ceased operations. The only member and officer as of this date is [redacted] who uses the title of [redacted] when speaking on behalf of any cause.

APPENDIX

1. ORGANIZATION OF AFRO-AMERICAN
UNITY, INCORPORATED (OAAU)

On June 28, 1964, MALCOLM X LITTLE, founder and leader of the Muslim Mosque, Incorporated (MMI), publicly announced the formation of a new, all Negro, militant civil rights action group to be known as the Organization of Afro-American Unity (OAAU), with himself as Chairman. This announcement was made at a public rally held by the MMI in the Audubon Ballroom, Broadway and 166th Street, New York City.

A printed and published statement of basic OAAU aims read by MALCOLM X at this meeting indicates that it shall include "all" people of African descent in the Western Hemisphere, as well as "our" brothers and sisters on the African continent. It is patterned after the "letter and spirit" of the Organization of African Unity established (by African heads of States) at Addis Ababa, Ethiopia, in May, 1963.

A recording of the remarks of MALCOLM X at this meeting indicates that the aim of the OAAU is to eliminate differences between Negroes so they can work together for "human rights", while the initial objective is to "internationalize" the American civil rights movement by taking it to the United Nations. LITTLE condemned the non-violent civil rights movement and claims that Negroes should be taught to protect themselves, when and if necessary. The OAAU will sponsor a program for Negroes in education, politics, culture, economics, and social reform.

MALCOLM X was assassinated on February 21, 1965, while addressing an OAAU rally at the Audubon Ballroom, New York City.

On April 13, 1965, a confidential source advised that on March 26, 1965, the OAAU filed a Certificate of Incorporation with the Department of State, State of New York, Albany, New York, and henceforth, the organization's true name will be Organization of Afro-American Unity, Incorporated.

APPENDIX

2.

ORGANIZATION OF AFRO-AMERICAN
UNITY, INCORPORATED (OAAU)

On February 28, 1966, a second confidential source advised that [redacted] of the OAAU is [redacted] [redacted] who resides in Harlem, New York.

On May 8, 1967, the first confidential source advised the the headquarters of the OAAU is located at [redacted], New York, New York, which is the [redacted].

Characterizations of MMI and NOI are set out separately.

APPENDIX

1.

PROGRESSIVE LABOR PARTY

A source advised on April 20, 1965, that the Progressive Labor Party (PLP), formerly known as the Progressive Labor Movement (PLM), held its first national convention April 15, - 18, 1965, at New York, New York, to organize the PLM into a PLP. The PLP will have as its ultimate objective the establishment of a militant working class movement based on Marxism-Leninism.

The "New York Times" City Edition, Tuesday, April 20, 1965, page 27, reported that a new party of "revolutionary socialism" was formally founded on April 18, 1965, under the name of the PLP. The PLP was described as an outgrowth of the PLM. Its officers were identified as MILTON ROSEN, New York, President, and WILLIAM EPTON of New York, and MORT SCHEER of San Francisco, Vice Presidents. A 20-member National Committee was elected to direct the party until the next convention.

According to the article, "The Progressive Labor Movement was founded in 1962 by Mr. ROSEN and Mr. SCHEER after they were expelled from the Communist Party of the United States for assertedly following the Chinese Communist line".

The PLP publishes "Progressive Labor," a bi-monthly magazine, "Challenge", a monthly New York City newspaper, and "Spark", a West Coast newspaper.

The April, 1967, issue of "Challenge", page 14, states that, "This paper is dedicated to fight for a new way of life-where the working men and women own and control their homes, factories, the police, courts, and the entire government on every level".

A second source advised on September 26, 1966, that the PLP utilizes the address of General Post Office Box 808, Brooklyn 1, New York, but also utilizes an office in Room 617, 1 Union Square, West, New York City, where PLP publications are prepared.

APPENDIX

PROVISIONAL ORGANIZING COMMITTEE FOR
A MARXIST-LENINIST COMMUNIST PARTY (POC)

The Guide to Subversive Organizations and Publications revised and published December 1, 1961, prepared and released by the Committee on Un-American Activities, United States House of Representatives, contains the following on pages 142-143:

1. Found to be "a new Communist splinter group." The Provisional Organizing Committee for a Marxist-Leninist Communist Party "also known as the POC * * * was formed in August 1958 by a number of Communist Party members who were dissatisfied with the trends and policies of the party and, while within it, had referred to themselves as the Marxist-Leninist Caucus.

"The leaders and participants in the Provisional Organizing Committee group had been expelled from the Communist Party on the technical charge of 'disruptive, factional, anti-party activities.'

"The POC group is composed largely of extreme left-wing elements from the Communist Party. Throughout the party's history, there have been contending right and left-wing factions which, in periods of turmoil such as the party has gone through in the recent past, have fought for control. The POC elements lost out in this recent struggle within the U. S. party***.

"The one fact that is completely clear today is that the POC group is made up of hard-core, dedicated, and extremist Communists, who, despite their present differences with the Communist Party leadership, are intent upon doing all within their power to speed the achievement of the goals of international communism.

(Committee on Un-American Activities, Annual Report for 1959, House Report 1251, February 8, 1960, pp. 69 and 70.)

APPENDIX

SOCIALIST WORKERS PARTY
SAN FRANCISCO DIVISION

A source advised on August 1, 1960, that the San Francisco Branch of the Socialist Workers Party (SWP) was formed approximately in the early part of 1938, and the Oakland Branch of the SWP was formed in the latter part of 1938.

A second source advised on October 26, 1959, that the name of the Oakland Branch of the SWP was changed to the Oakland - Berkeley Branch of the SWP.

A third source advised on May 1, 1967, that the San Francisco Branch and the Oakland - Berkeley Branch of the SWP follow the policies and directives of the National SWP with which they are affiliated.

The SWP has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

APPENDIX

1

YOUNG SOCIALIST ALLIANCE (known in the San Francisco Bay Area as the Bay Area Young Socialist Alliance, aka., the Bay Area Committee of the Young Socialist Alliance, Bay Area Committee for the Young Socialist)

A source advised on May 16, 1960, that the Bay Area Young Socialist Alliance (BAYSA) was formed in February, 1958, as the Bay Area Committee for the Young Socialist (BACYS). At a later stage in its development prior to adoption of the name BAYSA, the organization was known as the Bay Area Committee of the Young Socialist Alliance (BACYSA).

The source advised that as a result of a national convention held April 15 - 17, 1960, at Philadelphia, Pennsylvania, the BAYSA became a branch of the national organization to be known as the Young Socialist Alliance (YSA) and will carry out in the Northern California area the policies of the YSA.

A second source advised May 1, 1967, that the BAYSA is currently active and is composed of two locals: The San Francisco YSA and the Berkeley YSA.

The first source advised on May 1, 1967, that the BAYSA, although ostensibly an independent organization, is in reality controlled by the San Francisco Branch, Socialist Workers Party (SWP) and the Oakland Branch, SWP.

The SWP has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

1.

YOUNG SOCIALIST ALLIANCE

The May, 1960 issue of the "Young Socialist" (YS), page 1, column 3, disclosed that during April 15-17, 1960, a national organization entitled "The Young Socialist Alliance" (YSA) was established at Philadelphia, Pennsylvania. This issue stated that this organization was formed by the nationwide supporter clubs of the publication YS.

The above issue, page 6, set forth the Founding Declaration of the YSA. This declaration stated that the YSA recognizes the Socialist Workers Party (SWP) as the only existing political leadership on class struggle principles of revolutionary socialism.

On March 10, 1967, a source advised that the YSA was formed during 1957, by youth of various left socialist tendencies, particularly members and followers of the SWP. The source further advised that the YSA has recently become more open about admitting that it is the youth group of the SWP and that an SWP representative has publicly stated that the YSA is the SWP's youth group.

The headquarters of the YSA are located in Rooms 532-536, 41 Union Square West, New York City.

The SWP has been designated pursuant to Executive Order 10450.

A characterization of "Young Socialist" is set out separately.

APPENDIX

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~~CONFIDENTIAL~~

1.

"YOUNG SOCIALIST"

The "Young Socialist" is a magazine published five times a year by the Young Socialist Alliance. The October, 1964, edition, the initial edition utilizing the magazine format, relates that this magazine succeeds the "Young Socialist" newspaper in an effort to provide "more facts on more general issues than a small newspaper can."

The newspaper "Young Socialist" was formerly described as the official organ of the Young Socialist Alliance.

The "Young Socialist" maintains headquarters at Room 535, 41 Union Square West, New York City, and the mailing address of P.O. Box 471, Cooper Station, New York, New York 10003.

~~CONFIDENTIAL~~

APPENDIX

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

San Francisco, California

November 18, 1967

100-58841

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-11-2008 BY 60322/UCLRP/PJ/EHL

Title BLACK PANTHER PARTY
 FOR SELF DEFENSE

Character INTERNAL SECURITY -
 MISCELLANEOUS

Reference Report of SA [redacted]
 [redacted] dated and captioned
 as above

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All sources (except any listed below) whose identities are concealed in referenced communication have furnished reliable information in the past.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL 2/12/68

AIRTEL

AIR MAIL

TO : SAC, SAN FRANCISCO (100-58841)
FROM : SAC, SACRAMENTO (157-52)(RUC)
SUBJECT: BLACK PANTHER PARTY
FOR SELF-DEFENSE
IS

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On 2/7/68, [redacted]
[redacted] advised that an inmate,
[redacted] CSP # [redacted]
[redacted] is presently
confined [redacted] and has indicated to [redacted] that he is
in a position to furnish information concerning the Black
Panthers.

[redacted] interviewed at [redacted] on
[redacted] He advised that he has some information concerning
the Black Panthers which he is willing to furnish to an FBI
agent and feels that if he were on the street, he could
develop considerably more pertinent information. He stated
that [redacted] he renewed his previous
association with [redacted] in the Oakland,
California, area. [redacted] was a member of the Black Panthers and,
[redacted] invited [redacted] to join this group.
[redacted] stated that he did not join the group at that time and
has not done so since. He stated that in his conversation with

2 - San Francisco (RM)
1 - Sacramento
FBB:km
(3)

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SERIALIZED FILED

SC 157-52

[redacted] that while he was [redacted]
[redacted]
[redacted] He told [redacted]
that he was proficient in the use of dynamite and various other explosives.

[redacted] stated [redacted] continued to try to influence him to join the Black Panthers but that he never did join. On one occasion, [redacted] stated that this group would like to have him, [redacted] work with them, even though he was not a member. There were no specific acts enumerated and [redacted] does not know exactly what was contemplated. He refused to go along with them.

[redacted] had conversation with [redacted] who is described by [redacted] as a member of the Black Panthers [redacted]

[redacted] In the conversation that ensued [redacted] told [redacted] that he had not made up his mind and that he was not sure whether he wanted to accept the offer.

He stated that since [redacted] he has met [redacted] who is a Black Nationalist. [redacted]
[redacted] In a conversation shortly after [redacted] told [redacted] that they were "getting ready to move." He told him that "the stuff" would be moved in sometime between Sunday, February 11, and the following week. He did not elaborate or explain what he meant by these remarks. He stated that it is his understanding from conversations with members of the Black Panthers that Oakland is a target area and that this confrontation would include members of the "Deacons" from Detroit, New York, and Los Angeles, as well as members of the Black Nationalists, the Muslims, and the Black Panthers.

[redacted] was questioned as to whether he had ever furnished this information to any other official. He stated that he had furnished information to [redacted]
[redacted] Oakland, California, Police

SC 157-52

Department. He stated that when he was [redacted] and requested that these two officers contact him concerning a matter which they had under investigation. [redacted] where these officers contacted him shortly thereafter. He furnished information to these officers in the hopes that they would use their influence with the California Adult Authority in putting him on the street to work with them in their investigation of the Black Panthers.

[redacted] stated that he has not heard from them and that he [redacted] and that since these officers had not been able to help him, he was hopeful that the FBI could exert some influence in affecting his early parole.

[redacted] stated that he had never volunteered any information to the FBI or any other law enforcement agency on any prior occasions. He stated that he is willing to work with the FBI and feels that he can develop valuable information concerning the Black Panthers and these other radical groups.

The above information is furnished for your evaluation and consideration. No investigation is being conducted to identify any of the persons referred to by [redacted] If the information appears to be of any value, Sacramento should be requested to review [redacted] to determine whether he [redacted]

TELETYPE

FBI-SF FROM

9:28 PM PST DEFERRED 4/8/68 WEN ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
TO DIRECTOR AND SACRAMENTO. DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL
FROM SAN FRANCISCO (100-59230) /3P/

PEACE AND FREEDOM PARTY, INFORMATION CONCERNING, BUFILE ONE HUNDRED
DASH FOUR FOUR SEVEN NINE SIX ONE; BLACK PANTHER PARTY, RM, BUFILE
ONE ZERO FIVE DASH ONE SIX FIVE SEVEN ZERO SIX.

RE SAN FRANCISCO TELETYPE DATED APRIL EIGHT INSTANT.

FROM NOON TO ONE P. M., APRIL EIGHT INSTANT, MASS RALLY SPONSORED
BY PEACE AND FREEDOM PARTY AND NATIONAL STOP THE DRAFT WEEK WAS HELD
AT UNIVERSITY OF CALIFORNIA (UC), BERKELEY, CALIFORNIA. FOLLOWING
RALLY APPROXIMATELY FIVE THOUSAND PERSONS LEFT UC, AND MARCHED IN
STREETS, FILLING ONE LANE OF TRAFFIC, TO MUNICIPAL PART IN PROXIMITY
OF ALAMEDA COUNTY COURT HOUSE, OAKLAND, ARRIVING AT APPROXIMATELY FOUR
THIRTYFIVE P. M. MARCH WAS PUBLICIZED AS A MARCH AGAINST RACISM,
RACIST INSTITUTIONS THAT EXCLUDE BLACKS FROM MEMBERSHIP, RACIST POLICE,
AND FOR FREEING ALL POLITICAL PRISONERS INCLUDING BLACK PANTHER PARTY
(BPP) LEADERS HUEY P. NEWTON AND LEROY ELDREDGE CLEAVER. CLEAVER
WAS ARRESTED BY OAKLAND POLICE DEPARTMENT FOLLOWING SKIRMISH BETWEEN
OAKLAND POLICE DEPARTMENT AND BPP MEMBERS ON NIGHT OF APRIL SIX, LAST,
AND IS PRESENTLY INCARCERATED AT CALIFORNIA STATE MEDICAL FACILITY,
VACAVILLE.

END OF PAGE ONE.

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PAGE TWO.

SF 100 - 59233.

FOLLOWING MARCH APPROXIMATELY THREE THOUSAND PERSONS ASSEMBLED AT RALLY IN VICINITY OF ALAMEDA COUNTY COURT HOUSE, OAKLAND, CHANTING "FREE HUEY, FREE HUEY", AND WERE ADDRESSED BY REPRESENTATIVES OF PEACE AND FREEDOM PARTY AND NATIONAL STOP THE DRAFT WEEK, WHO URGED AN END TO RACISM, SUPPORT FOR THE PEACE AND FREEDOM PARTY AND THE SFP, AND DENOUNCED POLITICAL LEADERS WHO HAD NOTHING GOOD TO SAY ABOUT DR. MARTIN LUTHER KING DURING HIS LIFETIME AND ARE NOW EULOGIZING HIM FOR THEIR POLITICAL ADVANTAGE. ROBERT AVAKIAN OF PEACE AND FREEDOM PARTY URGED ALL TO REMAIN FOLLOWING RALLY AND SURROUND THE COURT HOUSE "TO LET THE PIG COPS KNOW WE ARE OUT HERE TO FREE HUEY AND TO JAIL THE PIG COPS."

FOLLOWING RALLY APPROXIMATELY ONE THOUSAND PERSONS CONGREGATED ON NORTH SIDE OF COURT HOUSE, TEMPORARILY BLOCKING STREET. THEY WERE PEACEFULLY DISPERSED BY APPROXIMATELY THIRTY ALAMEDA COUNTY SHERIFF'S OFFICE DEPUTIES AND ALL HAD DEPARTED SCENE BY FIVE THIRTY P. M.

MARCH AND RALLIES WERE PEACEFUL AND THERE WERE NO ARRESTS MADE. THERE WERE VERY FEW NEGROES PRESENT.

LEAFLETS WERE DISTRIBUTED DURING MARCH AND RALLIES ANNOUNCING THAT THE STATEWIDE PEACE AND FREEDOM MOVEMENT AND THE BLACK PANTHER PARTY FOR SELF DEFENSE WERE URGING ATTENDANCE ON THURSDAY, APRIL

END OF PAGE TWO.

PAGE THREE.

SF 100 - 59230.

ELEVEN, NEXT, AT FUNERAL OF BOBBY HUTTON, WHO WAS KILLED BY OAKLAND POLICE DURING THE APRIL SIX LAST SKIRMISH. THESE LEAFLETS ALSO URGED PARTICIPATION IN A CAR CARAVAN TO VACAVILLE, CALIFORNIA, TO SUPPORT CLEAVER'S DEFENSE AND DEMAND HIS IMMEDIATE RELEASE FROM CONFINEMENT.

INTELLIGENCE UNIT, OAKLAND POLICE DEPARTMENT, THIS DATE ADVISED THAT FUNERAL SERVICES FOR BOBBY HUTTON WILL BE HELD AT ELEVEN A. M., FRIDAY, APRIL TWELVE NEXT, OAKLAND, AND PRESUMABLY THE CAR CARAVAN TO VACAVILLE WILL FOLLOW ON FRIDAY AFTERNOON.

LHM WILL FOLLOW.

OTHER STATION NOTIFIED SEPARATELY.

END.

PGWC - FBI SACTO

FBI SACTO

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DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL

FBI SAN FRAN

1126AM URGENT 4-12-68 MS

TO DIRECTOR & SACRAMENTO

FROM SAN FRANCISCO (157-1204) 2P

BLACK PANTHER PARTY; RM - BPP

FOR INFO BUREAU AND SACRAMENTO, OAKLAND, CALIF., PD
ADVISES THAT FUNERAL FOR BOBBY HUTTON, SEVENTEEN-YEAR-OLD BLACK
PANTHER PARTY (BPP) MEMBER KILLED IN POLICE SIEGE OF WEST OAKLAND
HOUSE EARLY MORNING SUNDAY, APRIL SEVEN, LAST, BEING HELD TODAY
ELEVEN A.M., EPHESIAN CHURCH OF GOD IN CHRIST, ONE SEVEN ZERO NINE
ALCATRAZ AVE., BERKELEY, CALIFORNIA. BURIAL WILL BE MOUNTAIN
VIEW CEMETARY, OAKLAND.

BPP PLANS MEMORIAL FOR HUTTON ONE THIRTY P.M. MERRITT PARK,
ACROSS FROM ALANEDA COUNTY COURT HOUSE. FOLLOWING MEMORIAL,
PROCESSION OF CARS AND BUSES WILL PROCEED TO STATE MEDICAL FACILITY,
VACAVILLE, WHERE BPP MINISTER OF INFORMATION ELDRIDGE CLEAVER, WHO
WAS ARRESTED FOLLOWING SHOOT-OUT IN WEST OAKLAND APRIL SEVEN WHEN
HUTTON KILLED, INCARCERATED.

END PAGE ONE

157-1204-6

SEARCHED	INDEXED
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PAGE TWO

OAKLAND, BERKELEY AND RICHMOND PDS ALERT FOR ANY TROUBLE
WHICH MAY ARISE AS RESULT OF FUNERAL, MEMORIAL OR PROCESSION TO
VACAVILLE.

CONTACTS BEING MAINTAINED WITH LOCAL LAW ENFORCEMENT,
INFORMANTS, AND ONE ONE FIVE MI GROUP.

END

OTHER OFC ADVSD

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DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL

FBI SAN FRAN

6:22PM DEFERRED 4-12-68 MS

TO DIRECTOR, BOSTON, LOS ANGELES, NEW YORK & SACRAMENTO
FROM SAN FRANCISCO (157-1204) 2P

BLACK PANTHER PARTY; RM - BPP

REMYTEL TODAY TO DIRECTOR AND SACRAMENTO.

FUNERAL FOR BOBBY HUTTON, SEVENTEEN-YEAR-OLD BPP MEMBER
KILLED BY OAKLAND POLICE IN SIEGE EARLY SUNDAY, APRIL SEVEN, LAST,
HELD WITHOUT INCIDENT AT CHURCH IN BERKELEY, CALIFORNIA. ATTENDED
BY APPROXIMATELY ONE THOUSAND PEOPLE. AFTER BURIAL OF BODY MOUNTAIN
VIEW CEMETERY, OAKLAND, MEMORIAL HELD ONE FORTYFIVE TO THREE FORTY-
FIVE P.M. MERRITT PARK, OPPOSITE ALAMEDA COUNTY COURT HOUSE,
OAKLAND. APPROXIMATELY FIFTEEN HUNDRED PRESENT, MOSTLY BLACK. THEME
OF MEMORIAL WAS THAT HUTTON WAS A REVOLUTIONARY AND THE BPP IS A
REVOLUTIONARY PARTY, ONE OF FEW IN THE COUNTRY. POWER STRUCTURE
MUST BE DEFEATED, POLICE SYSTEM MUST BE CHANGED, BLACKS MUST BE ARMED
TO RID THE COMMUNITY OF POLICE SO BLACKS CAN CONTROL THEIR OWN
DESTINY.

END PAGE ONE

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CARAVAN TO CALIFORNIA MEDICAL FACILITY, VACAVILLE, CALLED OFF. THOSE ATTENDING MEMORIAL ENCOURAGED TO ATTEND PRESS CONFERENCE FOUR THIRTY P.M. BPP HEADQUARTERS, FOUR FOUR TWO ONE GROVE ST., OAKLAND, AT WHICH FOLLOWING WERE ANNOUNCED AS PARTICIPATING: CHICO NEBLETT, JAMES FORMAN, MARLON BRANDO AND BOBBY GEORGE SEALE.

[REDACTED] IS ALSO KNOWN AS [REDACTED] AND [REDACTED]
[REDACTED] AND HAS BEEN IDENTIFIED IN PAST AS [REDACTED] BOSTON, MASSACHUSETTS.

[REDACTED] BPP.

MARLON BRANDO IS MOVIE ACTOR WHO HAS MADE PUBLIC STATEMENTS IN SUPPORT OF GOALS OF BPP.

BOBBY GEORGE SEALE IS CURRENTLY CHAIRMAN OF BPP.

ANY FURTHER INCIDENT ARISING FROM TODAY'S EVENTS WILL BE FURNISHED THE BUREAU AND INTERESTED OFFICES.

SACRAMENTO ADVISED BY PHONE.

END

PLS HOLD, HAVE ONE FOR U

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FBI SACTO



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
~~CONFIDENTIAL~~

In Reply, Please Refer to
File No.

San Francisco, California

April 12, 1968

DECLASSIFIED BY 60322/JCLR/PJ/EHL
ON 09-15-2008

BLACK PANTHER PARTY (BPP),
also known as
BLACK PANTHER PARTY FOR
SELF DEFENSE (BPPSD)

Reference San Francisco memorandum, dated March 28,
1968.

Copies of this memorandum are being furnished locally
to Army, Air Force, Navy, Secret Service and the United States
Attorney's Office.

The April 7, 1968 edition of the "Oakland Tribune",
Oakland, California newspaper, on page 1, columns 1 and 2,
carried an article captioned, "Oakland's 90-minute War - One
Dead, Four Shot in Battle - Two Panthers and Two Cops Hit in
Siege", which states in part as follows:

"One suspect was killed, two wounded and two Oakland
Police Officers shot and wounded Saturday night (April 6, 1968)
during a 90-minute gun battle and siege in West Oakland.

"The slain suspect, shot as he emerged from a
barricaded house at 1218 - 28th Street was tentatively
identified by police as Bobby Hutton, about 18, a member of the
Black Panthers.

"Another Black Panther member, Minister of Information
Eldridge Cleaver, was wounded in the lower left leg. The other
wounded man was Warren W. Wells, 21, who gave a Richmond
address. Wells was wounded in the left buttock and his
condition was reported to be satisfactory.

"Neither officer was wounded critically. Two other
officers were treated for minor injuries.

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~~GROUP 1~~
~~Excluded from automatic~~
~~downgrading and~~
~~declassification~~

157-52-8

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APR 15 1968	
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BLACK PANTHER PARTY (BPP)

"Deputy Police Chief Robert R. Cazadd said the gun battle grew out of a definite attempt to ambush the police.

"Police said the shooting began after a patrol car stopped to question the occupants of three parked cars in the 2900 block of Union Street.

"When Police Officer Richard R. Jensen stepped from the passenger side of the cruiser, police said, he was shot without warning.

"As his patrol partner, Nolan R. Darnell, stepped from the car he was grazed with buck shot.

"Police and firemen quickly sealed off the two-block area and police officers, crouched behind cars, traded shots with the men inside the building. Spotlights gave the scene the eerie appearance of a movie set.

"A man and a woman who occupied the upstairs apartment (1218 - 28th Street, Oakland, California) were allowed to leave the house during the effort to flush the suspects.

"Some twenty minutes later after police gunfire had broken a front window and tear gas had been fired into the front room, the men inside called out that they wanted to surrender.

"A police officer with a bull horn told the barricaded trio to come out with their hands up. The men began to emerge one at a time from the building.

"As the first came out, there was a cry that he had a gun, several shots were fired and the man collapsed and fell to the sidewalk, dead.

"The other two men, their hands above their heads, came out of the building and surrendered."

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BLACK PANTHER PARTY (BPP)

The records of the Identification Division, Oakland Police Department, disclosed that the following individuals were arrested and charged with assault with intent to commit murder in connection with the aforementioned incident:

[redacted]
[redacted] Berkeley, California.

Eldridge Cleaver, refused to give residence address.

[redacted]
[redacted], Oakland, California.

[redacted]
[redacted] Oakland, California.

[redacted]
[redacted] San Francisco, California.

[redacted]
[redacted] Oakland, California.

[redacted], address not given.

[redacted]
[redacted] Richmond, California (a non-existent address).

The March 1 through 7, 1968 issue of the "Berkeley Barb", a weekly newspaper published in Berkeley, California, on Page 3, Column 1 and 2, contains an article captioned "Council Bows to Bobby", which quotes Bobby George Seale, Chairman of the BPP, in part as follows:

"It is the actions of the Gestapo pig police that causes riots, not the people. We love ourselves and our blackness."

This article quoted Charles Bursey (not

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BLACK PANTHER PARTY (BPP)

otherwise identified) as telling the council "If any pig cop busts into my house I'll kill him".

On April 10, 1968, Officer [redacted], Intelligence Unit, Oakland Police Department, Oakland, California, advised that investigation by the Oakland Police Department subsequent to April 6, 1968, has disclosed the following facts:

Early on Saturday evening, April 6, 1968, LeRoy Eldridge Cleaver, better known as Eldridge Cleaver, Minister of Information, Black Panther Party (BPP), gathered members and leaders of the BPP together at BPP Headquarters, 4421 Grove Street, Oakland, California, and told them that he received alarming information from a source considered by him to be reliable and in a position to know. He said he had been told that the Oakland Police Department was planning genocide against the BPP. Then he stated, "We'll take care of that. We'll get them first."

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About fifteen BPP members, including Cleaver and [redacted] of the BPP, proceeded in three cars to a house located at 3421 Chestnut, Oakland, California, where they gathered up numerous weapons, including rifles and shotguns. At this location Cleaver stated that they would cruise around North Oakland to look for a policeman to kill.

They then proceeded to North Oakland and spotted two police officers as they were getting out of their patrol car. The BPP members got out of their cars unnoticed by the officers. By jumping fences and going through backyards they endeavored to maneuver themselves into a position to shoot at the officers. Before they could get set up, the officers were back in their car and departed. No shots were fired and the officers never became aware of the presence of the BPP members. The officers had responded to a missing persons complaint and had only remained at the location of the complaint for a short time because they were informed upon arrival that the missing person had returned home.

After previously cruising around North Oakland, the BPP members decided to rendezvous in the vicinity of 30th and

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BLACK PANTHER PARTY (BPP)

Union Streets, Oakland. Shortly after they arrived in that location, the aforementioned shooting incident took place.

Investigation by the Oakland Police Department has disclosed that the following individuals are suspected of having been involved in the April 6, 1968 BPP gun battle with the Oakland Police Department:

[redacted] student at San Francisco State College and suspected of being affiliated with the Black Student Union.



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The April 11, 1968 issue of the "San Francisco Chronicle", San Francisco daily newspaper, on page 3, paragraph 5, contains an article captioned "Panthers Plead Not Guilty", which states in part as follows:

"Black Panther Eldridge Cleaver was brought in a heavily-guarded ambulance from the Vacaville Medical Facility to make an Oakland court appearance with six co-defendants yesterday.

"More than one-half of the spectators in court were Black Panthers, and they gave Cleaver and the other defendants the clenched fist salute of the militant Negro organization. Some chanted 'Black Power' at the end of the hearing.

"Cleaver and the others entered pleas of not guilty to charges of assault with intent to commit murder arising from a gun battle in West Oakland last weekend.

"Judge Stafford P. Buckley denied a request by defense attorney Charles Garry for a reduction in Cleaver's bail of \$63,000.00 and the \$40,000.00 bail set for the others.

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BLACK PANTHER PARTY (BPP)

"Garry filed five affidavits claiming police mistreatment and harrassment of defendants.

"The judge set April 18th for preliminary hearing.

"One of the defendants Warren Wells, 21, of Richmond, was released when \$40,000.00 was posted.

"After the court hearing, Bobby Seale, the Black Panthers Chairman, said 'Although the bail is atrocious, the black community is responding with contributions. We will out all of the defendants in two or three days'".

The same issue of the "San Francisco Chronicle" on page 3, columns 1 through 4, contains an article captioned, "Tragedy - The Death of a Panther", written by Keith Power, states in part as follows:

"It is a matter of public record that Bobby Hutton was a black kid who made trouble with the authorities.

"He was born on April 21, 1950 in Pine Bluff, Arkansas, and he died last Saturday night, April 6, 1968, in Oakland of what the coroner's report said was 'shock and hemmorage due to gunshot wounds'.

"The manner of his death is on record but disputed.

"The police say they shot him as he dashed from a besieged house apparently carrying a gun. His friends said he came out stripped to the waist with his hands held high".

Leaflets widely distributed throughout Alameda County, California announce that the funeral for Bobby James Hutton will be held at 11:00 a.m., Friday, April 12, 1968, at the Star Bethel Baptist Church, 5812 San Pablo Avenue, Oakland, California and readers are invited to attend these ceremonies. These leaflets also announce that a car caravan to the California State Medical Facility, Vacaville, California, will take place on Friday afternoon, April 12, 1968, to demand the release of Eldridge Cleaver from confinement.

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BLACK PANTHER PARTY (BPP)

On April 10, 1968, a source advised that several car loads of militant Black Nationalists from the Los Angeles area are expected to attend the funeral ceremonies for Hutton.

On April 11, 1968, a second source advised that it has been rumored that the BPP plans to stage a march from the location of the funeral services to the Oakland Hall of Justice, Oakland, California, to protest the slaying of Bobby Hutton.

On April 10, 1968, the second source advised that [redacted] of San Francisco, California, is now in charge of the BPP, but has not been given an official title. [redacted] reportedly is [redacted] at San Francisco State College and is [redacted] at that college.

Characterization of the BPPSD is attached hereto.

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Also attached are copies of photographs furnished by the Oakland Police Department on April 11, 1968. These photographs are of the following:

1. The gun battle scene at 1218 - 28th Street, Oakland, California.
2. The Oakland, California Police Department cruiser of officers [redacted] and [redacted]
3. One of the BPP automobiles involved in the April 6, 1968, incident.
4. Arsenal of BPP weapons confiscated by Oakland Police Department April 6, 1968.

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BLACK PANTHER PARTY FOR SELF-DEFENSE (BPPSD)

A source advised that the Black Panther Party For Self-Defense (BPPSD) was formed by HUEY PERCY NEWTON, Minister of Defense, and BOBBY GEORGE SEALE, Chairman, in Oakland, California, in December, 1966, as a militant black nationalist political organization to combat "police brutality," to unite militant black youth, to determine the destiny of black communities, and to educate black people in African history. The political philosophy of the organization was taken from the writings of MAO TSE-TUNG of Communist China and black militant writers.

The official BPPSD publication "The Black Panther - Black Community News Service" indicates the leadership of the BPPSD advocates the use of guns and guerilla tactics in the violent revolutionary program to end oppression and to oppose the drafting of black men to fight in Vietnam.

A second source advised that in early 1967, [redacted] NEWTON, and their associates carried carbine rifles and holstered pistols in plain view on the streets of Oakland and elsewhere while on "defense patrols."

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[redacted] was one of the persons arrested by the Sacramento, California Police Department on May 2, 1967, when members of the BPPSD invaded the California State Legislative Assembly in Sacramento while in session, carrying loaded guns to protest restrictions on the carrying of guns.

A Grand Jury of Alameda County, California, Oakland, California, on November 13, 1967, indicted HUEY PERCY NEWTON on charge of murder of an Oakland, California police officer on October 28, 1967, in Oakland, California.

The first source advised that the headquarters office of the BPPSD at 5624 Grove Street, Oakland, California, is closed and that no membership meetings have been held since August, 1967.

The November 4, 1967, issue of "The Sun Reporter," a San Francisco, California Negro community newspaper, states that a HUEY PERCY NEWTON defense fund has been established and that the Student Non-Violent Coordinating Committee (SNCC) and the Congress on Racial Equality (CORE) through the national offices have pledged their complete and continuous support to the defense of HUEY PERCY NEWTON.

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APPENDIX

~~CONFIDENTIAL~~



In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

San Francisco, California

April 12, 1968

Title BLACK PANTHER PARTY (BPP), also
 known as BLACK PANTHER PARTY
 FOR SELF DEFENSE (BPPSD)

Character

Reference San Francisco memorandum,
 dated and captioned as above

All sources (except any listed below) whose identities are concealed in referenced communication have furnished reliable information in the past.

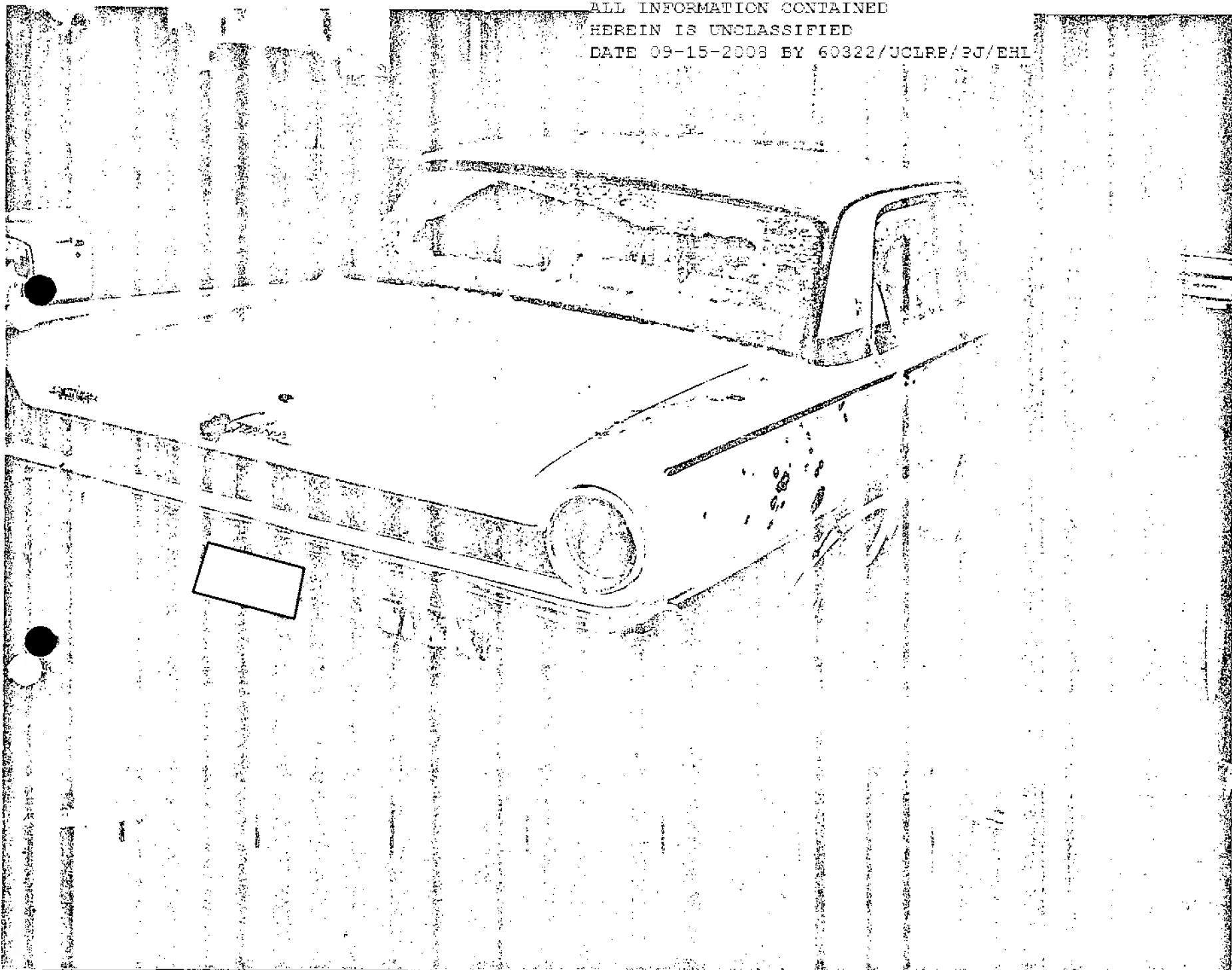
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DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL

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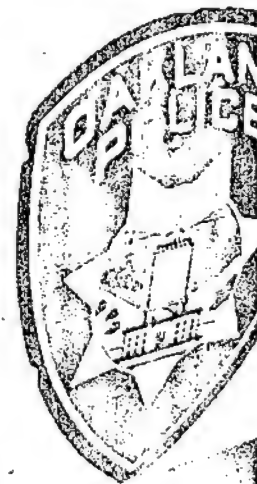
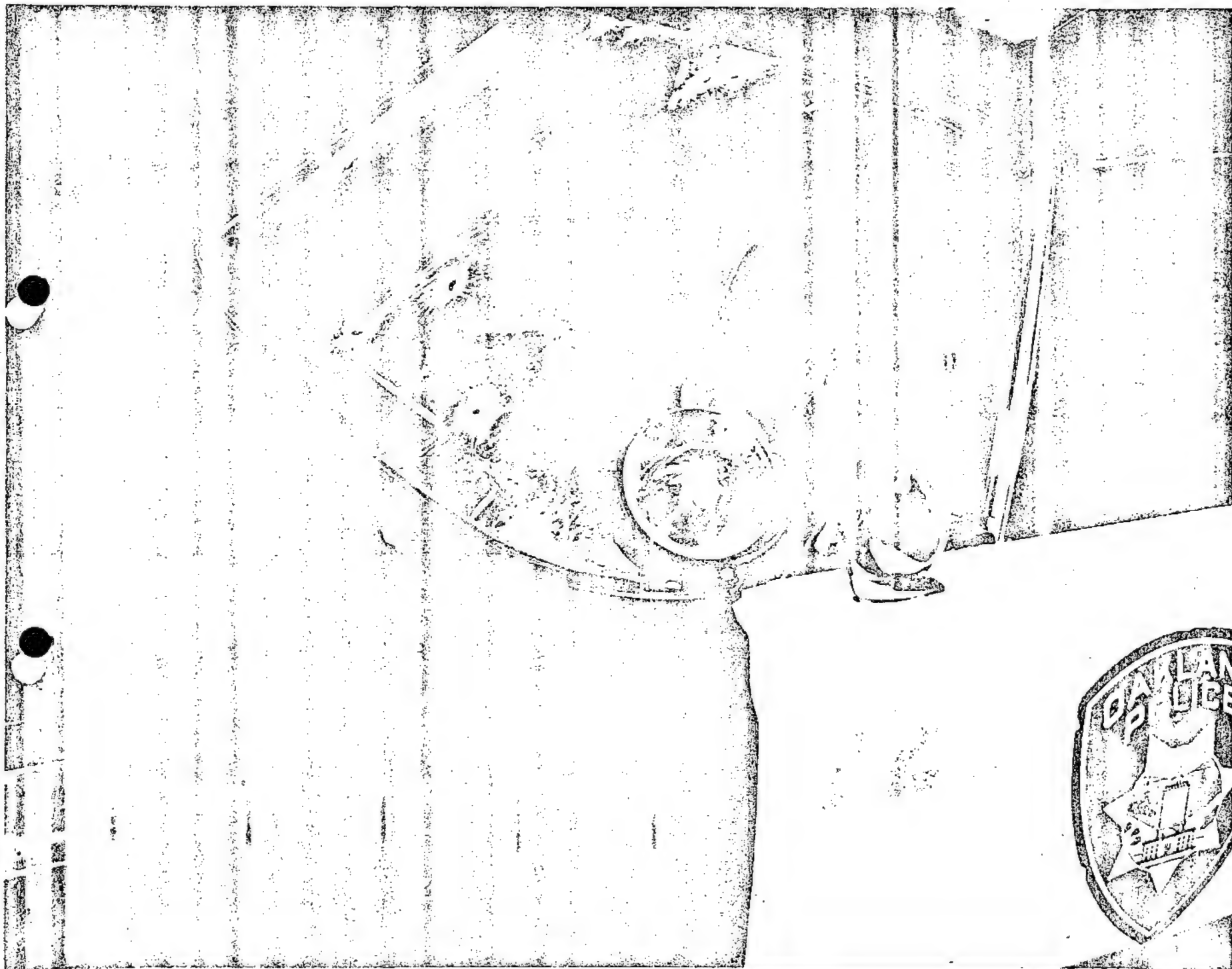
ALL INFORMATION CONTAINED

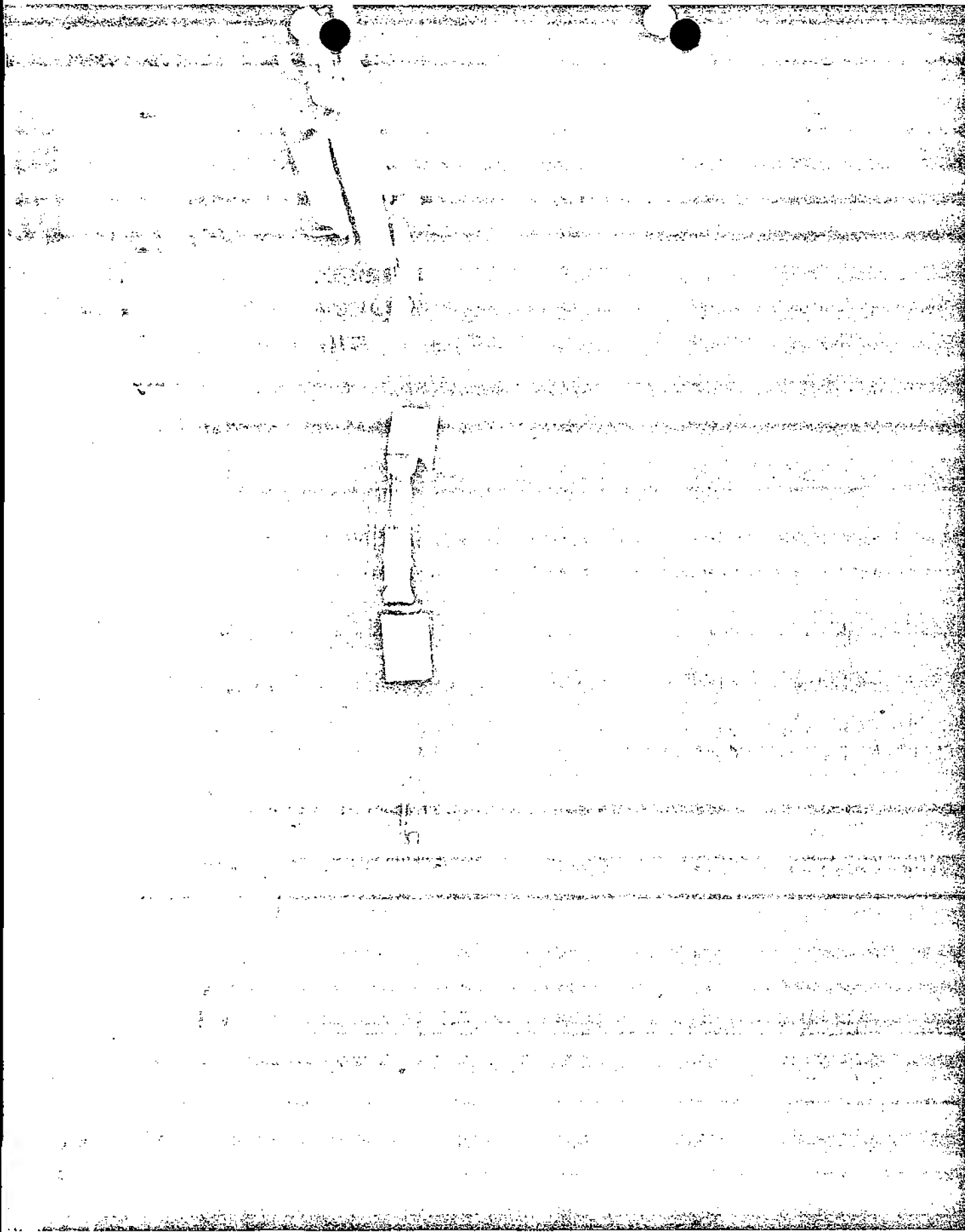
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DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL



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AGE 6

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HEREIN IS UNCLASSIFIED

DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL/te: 4/12/68

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI (105-165706)

FROM: SAC, SAN FRANCISCO (157-1204)

SUBJECT: BLACK PANTHER PARTY (BPP), aka
BLACK PANTHER PARTY FOR
SELF DEFENSE (BPPSD)
RACIAL MATTERS - BPP

Re San Francisco teletype to Bureau, dated 4/7/68.

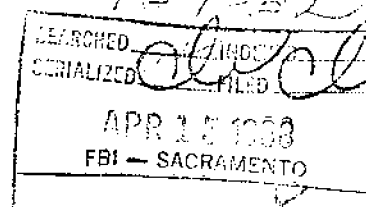
Enclosed to the Bureau are 8 copies of LHM and one copy each of LHM enclosed to Los Angeles and Sacramento Offices.

Copy of this LHM has been furnished to the Los Angeles Office because it contains information concerning activities of

3 - Bureau (Enc. 8)(RM)
1 - Los Angeles (Enc. 1)(Info.)(RM)
① - Sacramento (Enc. 1)(Info.)(RM)
14 - San Francisco
 (2 - 157-1204)
 (1 - 157-1199)(
 (1 - 100-55520)(LEROY ELDRIDGE CLEAVER)
 (1 - 157-)(
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 (1 - 100-53950)(
 (1 - 157-266)(RACIAL MATTERS - OAKLAND)
 (1 - 157-400)(RACIAL MATTERS - SAN FRANCISCO DIVISION)

WJW:mb
(19)

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b7C



Approved: _____ Sent _____ M Per _____
Special Agent in Charge

SF 157-1204

WJW:mb

individuals located in that division.

The sources utilized in this LHM are as follows:

Source one is [redacted]

b2
b7D

Source two is a confidential source [redacted]
[redacted] (concealed by
request).

This LHM has been classified confidential inasmuch as it contains information furnished by the second source requesting that the information furnished be confidential.

The following individuals mentioned in this LHM are included on the Security Index: LEROY ELDRIDGE CLEAVER, [redacted]
[redacted] and BOBBY JAMES HUTTON.

By separate communication the Bureau will be requested to delete the name of BOBBY JAMES HUTTON, deceased, from the Security Index.

Files are being opened for active investigation under the 157 classification on all individuals mentioned in this LHM as being affiliated with the BPP.

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On 4/10/68, Officer [redacted], Intelligence Unit, Oakland, Calif. Police Department, confidentially advised that some of the BPP members arrested in connection with the shooting incident against the Oakland PD on 4/6/68, have been interviewed and have furnished the following information to the Oakland PD:

On Saturday afternoon, 4/6/68, [redacted] representing himself to be a San Francisco Police officer, off duty, presented himself at the BPP Headquarters, 4421 Grove Street, Oakland, Calif., accompanied by [redacted]. He displayed a badge which was purported to be a San Francisco police badge and stated that he wanted to be a "pipeline" for the BPP and indicated that he had good sources of information in the San Francisco PD. It was apparent that this individual had been drinking.

SF 157-1204
WJW:mb

He told ELDRIDGE CLEAVER that the Oakland Police Department was planning to start genocide on the BPP.

CLEAVER immediately became aroused and said, "We'll take care of that, we'll get them first". CLEAVER gathered 14 members of the BPP, including [redacted] of the BPP, together at the headquarters for a brief meeting, before setting forth on the cruise to find an Oakland police officer to kill.

The following is a physical description of the individual who represented himself to be a San Francisco Police Department officer:

Race
Sex
Age
Height
Complexion
Hair
Distinctive
characteristics
Wearing apparel

[redacted]

[redacted] was described as follows:

Race
Age
Complexion
Hair
Wearing apparel

[redacted]

Officer [redacted] requested that this information concerning the individual who represented himself to be a San Francisco Police Department officer not be disseminated at this time, inasmuch as the Oakland and San Francisco Police Departments are conducting an active investigation in an effort to identify this individual and they desire to take all precautions to safeguard the confidential nature of this investigation.

5/68

PLAIN TEXT

TELETYPE

DEFERRED

b6
b7C

1 - Los Angeles (AM)
1 - Sacramento (AM)
WJW/jr
(3)

SEARCHED ☒ INDEXED ☒
SERIALIZED ☒ FILED ☒
APR 27 1968
FBI — SACRAMENTO

SF 157-1204

WJW/jr

PAGE TWO

[REDACTED], BPP, REPORTEDLY NOW IN NEW YORK CITY TO ENLIST REPRESENTATION BY SNCC LEADERS AT THIS EVENT, AND POSSIBLY MAKE APPEARANCE WITH ACTOR MARLON BRANDO AND BOBBY GEORGE SEALE, CHAIRMAN, BPP, ON LES CRANE TELEVISION SHOW, NEW YORK CITY.

[REDACTED] OF US, LOS ANGELES, AND A CONTINGENT ARE EXPECTED TO PARTICIPATE.

[REDACTED] BLACK STUDENT UNION, SAN FRANCISCO STATE COLLEGE, SAN FRANCISCO, HAS ARRANGED FOR [REDACTED] [REDACTED] OF NEWARK, NEW JERSEY, TO MAKE PERSONAL APPEARANCE SAN FRANCISCO APRIL TWENTYEIGHT, NEXT.

ADMINISTRATIVE DATA:

RE SAN FRANCISCO TELETYPE TO NEW YORK, APRIL TWENTYFOUR, LAST, CAPTIONED [REDACTED] RM.

LOS ANGELES AND SACRAMENTO ADVISED AIR MAIL.

LETTERHEAD MEMORANDUM FOLLOWS.

END.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Sacramento, California

May 3, 1968

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-15-2009 BY 60322/JCLRP/PJ/EHLBLACK PANTHER PARTY (BPP), also known as
BPP FOR SELF-DEFENSE

Copies of this memorandum are being furnished to Army, Air Force, Navy and Secret Service, San Francisco and Sacramento, and the U. S. Attorney, San Francisco and Sacramento.

On May 2, 1968, Lieutenant [redacted] Intelligence Unit, Sacramento Police Department, advised that approximately 40 members of the BPP arrived at the State Capitol Building, Sacramento, at 12:45 P.M. May 2, 1968, in two chartered buses. They were met and interviewed by the news media on the west steps of the Capitol Building where several members answered questions relating to Eldridge Cleaver, BPP leader in State custody in Vacaville, California, and Huey P. Newton, in custody awaiting trial in Alameda County. They did not enter the the State Capitol Building.

Following a press conference, they walked to State Building Number 1 approximately one block away in which are located the offices of the State Parol Board. On the steps of State Building Number 1, they were again met and interviewed by the news media and repeated substantially the same remarks as at the Capitol Building. They did not enter State Building Number 1.

The leaders of the group were [redacted]

[redacted] of the BPP, and [redacted]

8 - Bureau	1 - SS, Sacramento	1 - MI Group, Sacramento
6 - San Francisco	1 - OSI, Travis	2 - Sacramento
1 - USA, Sacramento	1 - ONI, San Francisco	PCF/il (21)

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

157-52-1
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SERIALIZED FILED

WFO, also known as
BPP FOR SELF-DEFENSE

The group departed from Sacramento by chartered buses at approximately 2:30 P.M. There is no indication they stopped at Vacaville, California, en route back to Oakland as previously planned.

Lieutenant [] advised there were no incidents during the time the BPP was in Sacramento. No arrests were made and the group was orderly. They attracted an audience of approximately 300 people most of whom were State employees going to and from lunch.

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b7C

The following articles appeared in the May 2, 1968, issue of the "DEE", a Sacramento daily newspaper, Page A-8:

[illegible]

(Mount Clipping in Space Below)

Black Panthers 1968 Protest Has No Guns

In a gunless repeat of last year's May 2 Black Panther visit to the Capitol, a busload of about 50 members of the black paramilitary group from Oakland today staged a noon demonstration before the Capitol.

Bobby Seale, present leader of the Panthers, condemned the suspension of the parole of one of the best-known Panthers, writer Eldridge Cleaver.

Seale repeated accusations made last May 2 by Huey P. Newton, Panther minister of defense, that "black people are disarmed and powerless" while America fights a "racist war of genocide in Vietnam."

Cleaver's wife, Kathleen, delivered a plea for the release of her writer-husband and condemned, as did Seale, what they termed a "racist conspiracy" to decimate the Black Panther Party.

Asked why the Panthers brought no weapons, Seale replied there is no need, that the militance of the Panthers is known.

"We're saying like Malcolm X did: either the ballot or the bullet," said Seale, now a candidate for an Oakland Assembly district seat.

Tight security prevailed in the Capitol today. Gov. Ronald Reagan was in his office when the Panthers arrived via bus shortly after noon today. Numerous uniformed and plainclothes police were on duty.

Seale said "definitely" when asked if the assassination of Dr. Martin Luther King, Jr. had prompted membership in the Black Panther party to climb.

He said every time the "power structure" provokes a incident concerning the party or its members, the membership increases.

DECODED COPY

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HEREIN IS UNCLASSIFIED
DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL

☐ Radio

URGENT

☒ Teletype

5/1/68

TO SACRAMENTO AND SAN FRANCISCO

FROM DIRECTOR

BLACK PANTHER PARTY, RACIAL MATTERS.

INFORMATION RECEIVED FROM ASSISTANT CHIEF OF STAFF FOR
INTELLIGENCE, DEPARTMENT OF THE ARMY, THAT BLACK PANTHER PARTY
MEMBERS PLAN TO REVISIT CALIFORNIA STATE CAPITOL MAY TWO, NEXT,
IN COMMEMORATION OF MAY TWO, LAST, ARMED DEMONSTRATION IN STATE
ASSEMBLY CHAMBERS. PLANS INCLUDE STOP OVER AT VACAVILLE TO VISIT
ELDRIDGE CLEAVER, BLACK PANTHER LEADER. SOURCE SHOWN AS
CALIFORNIA ARMY NATIONAL GUARD AS FURNISHED TO ONE HUNDRED
ONE FIVE MILITARY INTELLIGENCE GROUP, SACRAMENTO. NO INDICATION
OF DISSEMINATION TO FBI LOCALLY.

b6
b7C

IF NOT ALREADY DONE, SACRAMENTO NOTIFY APPROPRIATE STATE AND
LOCAL OFFICIALS. SAN FRANCISCO CONTACT SOURCES FOR VERIFICATION

AND ADVISE SACRAMENTO.

SUPR. [] ADV. SEC.
TELEPHONE UNIT 9:30 PM
S/16 J/11

Sacramento PD
Let Ball
CHP

TOA: 8:17PM

DECODED: jam

Noted 8:00 AM
5/2/68

SEARCHED <i>30</i>	INDEXED
SERIALIZED	FILED
MAY 1 1968	
FBI - SACRAMENTO	

157-52-11

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL 5/8/68

AIRTEL

AIR MAIL

TO : DIRECTOR, FBI (105-165706)

FROM : SAC, SACRAMENTO (157-52) (RUC)

SUBJECT: BLACK PANTHER PARTY (BPP), aka
RACIAL MATTERS

Re Bureau teletype to Sacramento and San Francisco, 5/1/68; and San Francisco airtel and LHM, 4/29/68.

Enclosed for the Bureau are eight (8) copies of a letterhead memorandum. Six (6) copies are enclosed for San Francisco.

- 3 - Bureau (Encls. 8) (RM)
 - 2 - San Francisco (Encls. 6) (RM)
 - 1 - 157-1204
 - 1 - USA, San Francisco
 - 1 - Secret Service, San Francisco
 - 2 - Sacramento
- PCF/ll #4
(7)

*Encls. sent unphilited
5/8/68*

157-52-13
SEARCHED INDEXED
SERIALIZED FILED

FBI

4/29/68

Date:

Transmit the following in _____

(Type in plaintext or code)

Via AIRTEL

AIR MAIL

(Priority)

TO: DIRECTOR, FBI (105-165706)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

FROM: SAC, SAN FRANCISCO (157-1204) DATE 09-15-2009 BY 60322/UCLRP/PJ/EHL

SUBJECT: BLACK PANTHER PARTY (BPP), aka
BLACK PANTHER PARTY FOR
SELF DEFENSE (BPPSD)
RACIAL MATTERSRe San Francisco airtel to Bureau, 4/12/68,
and San Francisco teletype to Bureau, 4/25/68.Enclosed for the Bureau are eight copies of LHM
and one copy each of LHM to Newark, New York, Los Angeles
and Sacramento Offices. Copies of this LHM have been

- 3 - Bureau (Encls. 8) (RM)
- 1 - Newark (Encl. 1) (Info.) (RM)
- 1 - New York (Encl. 1) (Info.) (RM)
- 1 - Los Angeles (Encl. 1) (Info.) (RM)
- ① - Sacramento (Encl. 1) (Info.) (RM)
- San Francisco
 - (2 - 157-1204)
 - (1 - 157-1057) ([redacted])
 - (1 - 157-) ([redacted])
 - (1 - 157-1199) ([redacted])
 - (1 - 100-55520) LEROY ELDRIDGE CLEAVER)
 - (1 - 157-) ([redacted])
 - (1 - 100-) ([redacted])
 - (1 - 157-) ([redacted])
 - (1 - 157-) ([redacted])
 - (1 - 157-) ([redacted])
 - (1 - 157-) ([redacted])
 - (1 - 157-1229) ([redacted])
 - (1 - 100-53950) ([redacted])

- 1 - 157-266)
- (RACIAL MATTERS-
OAKLAND)
- 1 - 157-400
- (RACIAL MATTERS-
SF Division)
- 100-56678

WJW:bja
(24)SEARCHED INDEXED
SERIALIZED FILED

MAY 1 1968

FBI - SACRAMENTO

Approved: _____

Special Agent in Charge

Sent _____

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SF 157-1204

WJW:bja

furnished to the Newark, New York, Los Angeles and Sacramento Offices because it contains information re activities of individuals located in that division.

The source utilized in the LHM is a confidential source [redacted] (concealed by request), which is not available for recontact or for the purpose of furnishing testimony.

b7D

This LHM has been classified confidential inasmuch as it contains information furnished by the aforementioned source.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL

(Mount Clipping in Space Below)

Black Panthers featured at Friday afternoon Peace and Freedom rally

(Indicate page, name of
newspaper, city and state.)

Page 1 and 4

Bakersfield
News Bullentin,
Bakersfield,
California

The seemingly incongruous coalition of the militant Black Panther party and the Peace and Freedom party statewide came to Bakersfield Friday when a Peace and Freedom party rally at California Avenue park featured three Black Panther leaders, including Southern California Chairman Stormont Banks.

Although the Panthers insisted they are "non-violent" and believe only in self-defense, they were frank in admitting they have declared war on police who are not from within their own communities".

Banks and Panthers Larry Powell and Robert Lawrence, arrayed in their black berets and black coats adorned with political buttons, took turns at the microphone to call for support of their movement and their party's 10-point program,

which demands, among other things;

—"that Black men be exempt from military service;

—"the immediate withdrawal of police from the Black community;

—"that the Black people have the power to determine their own destiny;

—"full employment;

—"decent housing

—"an education that exposes the true nature of this decadent American society and a history that will tell our role in the present day society;

—"freedom for Black men held in federal, state, county, city prisons and jails; and

—"that all Black people when brought to trial to be tried in court by a jury of their peer group or people from their Black community."

Although the Panthers in-

*Put in index card
all letters
P.O. Box
Panther
Party*

Date: 4/28/68

Edition:

Author:

Editor: JUDY CLAUSEN

Title: Black Panther
Party

Character: SM-

or

Classification: 1-99

Submitting Office: SC

☐ Being Investigated

157-52-15

SEARCHED	INDEXED
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MAY 1 1968	
FBI - SACRAMENTO	

187

*CCO Jm East
1 + 2
P.O. Box
Panther
Party*

sisted they are "non-violent". Lawrence said, "Our freedom must be obtained by any means necessary . . . it's up to you, and you, and you. If a guy confronts you with a gun and you blow him away . . . is that violence or is it self defense?"

The "police", who were consistently referred to as "pigs" are the Panthers' most hated targets. Powell called for an end to "police brutality" and "murder of Black people" and Lawrence said, "You've got to stop it now because we are rapidly approaching genocide."

Lawrence pointed to Huey Newton, the Panthers' Minister of Defense, who is jailed in Oakland charged with attempted murder and kidnapping.

Lawrence said the only thing the white man in this country

respects is violence and he urged, "You've got to take up your gun. You've got to defend yourself. You've got to show that you are tired and will not stand for any more."

Although the Panthers were applauded on several occasions, not everyone in the audience agreed with their formula for success. One elderly Negro man said, "I'm a Black man and I have no complaint against the white man."

Powell answered with, "We're not talking to you. You're satisfied. I'm talking to the black people who are not satisfied. I'm speaking to the white people who are not satisfied."

A young man in the audience disagreed with Lawrence's diatribe against the police, saying they are only representative of the "white power structure".

Said Lawrence, "We don't believe in going out in the white community indiscriminately. We don't believe in attacking people. We believe in defending ourselves from attacks of the racist pig cops in our communities. We want him out of here, because we want to determine the destiny of our community."

He went on to charge the police are "tools of the white power structure to keep you down."

In a Black Panther party pamphlet made available to the group, it states the Panthers believe they "can end police brutality in our black community by organizing black self-defense groups that are dedicated to defending the community from racist police oppression and brutality."

Banks confined his remarks

(continued on page 4)

Miss Dunn also charged, "The Black Panthers have been ludicrously distorted in the press as a militaristic violent group out to take over the white community. They want control of the Black community. They want control of their own institutions and they want freedom from intimidation from police harassment and the Peace and Freedom party supports this."

The stated purpose of the rally was to support the "student Strike against the war in Viet Nam, the draft and racial injustice".

Black Panthers

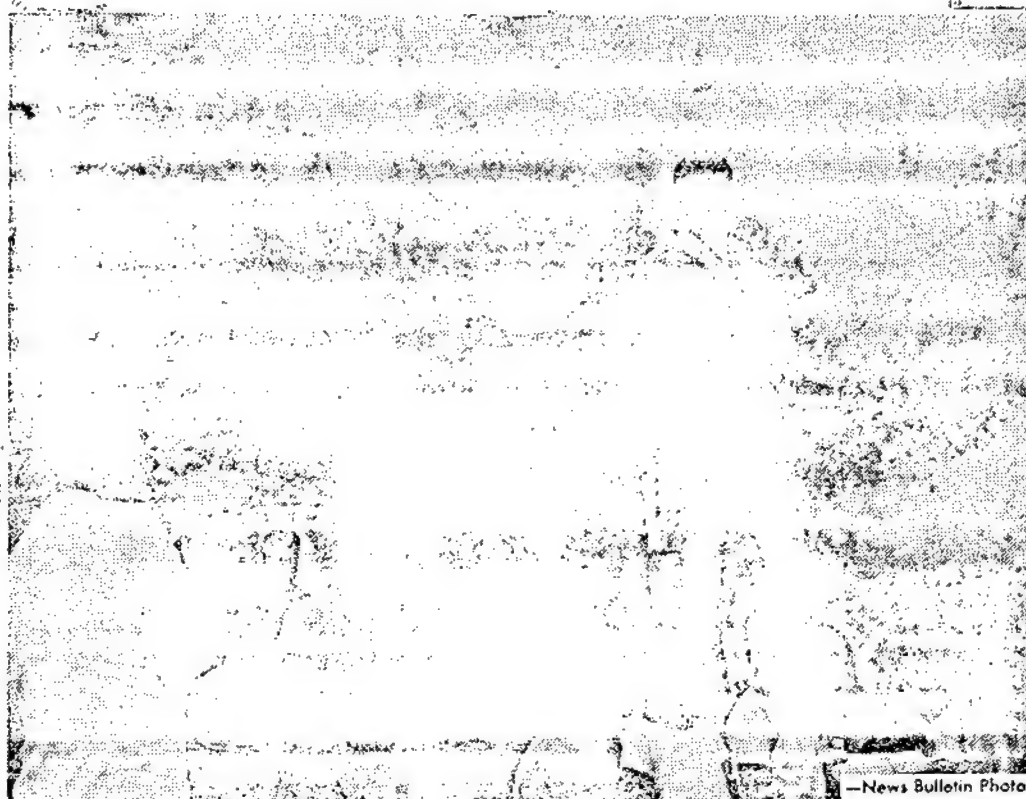
(Continued from Page 1)

to a plea for support from Bakersfield residents, noting there is no Black Panther party in this city.

Miss Peggy Dunn, a co-chairman of the Peace and Freedom party in Kern County explained the Black Panther-Peace and Freedom coalition with: "The Black Panther party is primarily aimed at the self defense of the Black community. It is not involved in any attack on the white community. They are defending themselves under their rights as guaranteed by the Constitution. The Peace and Freedom party supports their right to self defense."

RE: Black Panther Part,

100-



—News Bulletin Photo

SHERMONT BANKS, head of the Black Panther party in Southern California, spoke at a Peace and Freedom party rally in California Avenue park Friday afternoon, staged in support of the Student Strike against "the war in Viet Nam, the draft and racial injustice." Banks, and two fellow Black Panthers—Larry Powell and Robert Lawrence, explained their party's 10-point program, which includes organization of armed groups for defense purposes.



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

~~CONFIDENTIAL~~

San Francisco, California

DECLASSIFIED BY 60322/UCLRP/PJ/EHL
ON 09-15-2008

April 29, 1968

BLACK PANTHER PARTY (BPP),
also known as
BLACK PANTHER PARTY FOR
SELF-DEFENSE (BPPSD)

Reference San Francisco memorandum dated April 12,
1968.

Copies of this memorandum are being furnished
locally to Army, Air Force, Navy, Secret Service and the
United States Attorney's Office.

The April 26, 1968 issue of the "Oakland Tribune",
Oakland, California daily newspaper, on page one, columns
one and two, contained articles captioned, "Gain: Panthers
Are a 'Threat'" - "Chief Issues Warning" - "Shootout Result:
8 Indicted" which stated in part as follows:

"Oakland Police Chief Charles Gain
charged today that the Black Panther Party
'is a threat to the peaceful persons, both
black and white, in this community.'

" ' Their irrational statements regard-
ing the police, calling the police murder-
ers and demanding that they do not police
the minority community, are both ridiculous
and irrational.'

Then, sitting very straight at a long
table surrounded by reporters and camera -

~~CONFIDENTIAL~~

~~GROUP 1~~

~~Excluded from automatic
downgrading and declassification~~

157-52-16

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SERIALIZED	FILED
MAY 1 1968	
FBI - SACRAMENTO	

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your agency.

~~CONFIDENTIAL~~

BLACK PANTHER PARTY (PPP)

men, the chief warned:

" 'All reasonable persons, both black and white, in this city should recognize them for what they are and let them know that their irrationality will not be tolerated.'

The chief also attacked press statements by Charles Garry, a Panther defense attorney, calling them 'a serious disservice to the people of this community.'

" 'Regarding the vicious allegations made against the police: since the shooting incident there has been a great deal of sounding off in the press and TV by Mr. Charles Garry, attorney for the Black Panthers, to the effect that the police are murderers.

" 'His intemperate and false statements have appeared to be designed to agitate and spread false propaganda,' the chief said.

"The Alameda County Grand Jury exonerated Oakland police in the shoot-out death of Black Panther Party treasurer Bobby Hutton, revealing that he had been nabbed by officers and was shot when he broke and ran from them.

"A formal statement of vindication from the jury accompanied the attempted murder indictment voted against eight Panthers arrested in connection with the April 6 West Oakland gunfight.

"The jury statement said:

" 'We find that the police conduct

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

BLACK PANTHER PARTY (BPP)

in the death of Robert Hutton was lawful.'

The eight, including Eldridge Cleaver, 32, party information minister, appeared for arraignment today before Superior Court Judge Redmond C. Staats on charges of attempted murder and assault against police officers.

"Judge Staats continued the hearing until 10 a.m. May 16 to allow defense lawyers time for legal pleas including a motion for reduction of bail.

"All are held in lieu of \$50,000 bail, except Cleaver, whose bail is \$75,000. A bid for immediate reduction of bail was denied by Judge Staats.

"Besides Cleaver, those indicted were Charles Bursey, 21; Terry Cotton, 21; David Hilliard, 25; Donnell Lankford, 18; John L. Scott, 17; Wendell Wade, 23, and Warren Wells, 21."

The April 23, 1968 issue of the "San Francisco Chronicle", San Francisco, California daily newspaper, on page three, columns one and two, contained an article captioned, "Panthers' Suit Against Police" which states in part as follows:

"The Black Panthers went to Federal court here yesterday to stop Oakland and Alameda County from harrassing and prosecuting them and all black persons.

"Judge William T. Sweigert set May 2 for a court hearing on an injunction sought by the Panthers.

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~~CONFIDENTIAL~~

BLACK PANTHER PARTY (BPP)

"That is just four days before the Oakland trial of Huey P. Newton, minister of defense for the Panthers, on a charge of murder. And the Federal suit asks that that trial be halted.

"In addition to injunctions against harassment and prosecutions, the Panthers are asking the courts to declare certain parts of the California Penal Code unconstitutional.

"These sections include charges lodged against various members of the Panthers, and include murder, kidnapping assault with a deadly weapon, plus sections dealing with selection of a grand jury, indictment by that jury and prosecution after such an indictment.

"Their suit is aimed, said Panther attorney Charles Garry, at preventing 'the chaos which exists in the ghettos of Oakland' because of alleged police harassment.

"The suit, which charges Oakland with violating the rights of Panthers under the First and 14th Amendments, states the Oakland police, 'motivated by white racism,' have 'undertaken to destroy the Black Panthers.'

"Police there, the suit said, harass Panthers 'to kill, to maim and to wound' them. "

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BLACK PANTHER PARTY (BPP)

On April 25, 1968, a source advised that the BPP plans a massive protest around trial of Huey P. Newton, Minister of Defense, BPP, during the period of May 2-14, 1968, to be known as the "International Days Of Black Revolutionary Protest." Plans reportedly include general boycott of Oakland, California stores, caravan to Sacramento, California to commemorate the May 2, 1967 BPP armed invasion of the California Legislative Assembly, teach-ins and massive march and demonstration at the Alameda County Courthouse, Oakland, on May 6, 1968, the day Newton's trial on murder charges was scheduled to begin. BPP will demand that Newton must have public trial and that he be set free by May 14, 1968.

A leaflet widely distributed throughout the San Francisco Bay Area captioned, "May 2 - Black Panther Day", lists the schedule of events for that date as follows:

9:00 A.M.:

Support Bobby Seale at
Alameda County Courthouse
(Oakland, California)

Immediately Following:

Caravan to Sacramento, California,
return to State Capitol, Support
Eldridge Cleaver, demonstration at
Parole Board

10:00 A.M.:

San Francisco, Federal Building
450 Golden Gate, hearing on Panther
injunction against Oakland

2:00 P.M.:

Free Black People Rally

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

BLACK PANTHER PARTY (BPP)

De Fremery Park, 18th and
Adeline, Oakland.

This leaflet also announced that a massive march and demonstration to free Huey (Huey P. Newton) will be held at the Alameda County Courthouse at a date to be announced.

Also distributed in the San Francisco Bay Area was a mimeographed leaflet of the Peace and Freedom Movement announcing a "Free Huey Workshop" to be held on May 2 at 8:00 P.M. at the Jefferson School Auditorium, Berkeley, California. The announced purpose of this workshop was to hear discussions on "The Facts and General Conditions Surrounding the Case of Huey. P. Newton, Minister of Defense, Black Panther Party, and candidate for the Congress of the United States."

On April 25, 1968, the aforementioned source advised that [] of US, Los Angeles, and a contingent of the US organization of Los Angeles were expected to participate in the "International Days of Black Revolutionary Protest" at Oakland, California beginning May 2, 1968.

US is a militant black nationalist organization having headquarters in Los Angeles, California.

This source also advised that [] Black Student Union (BSU), San Francisco State College, San Francisco, California, had arranged for [] of Newark, New Jersey to make personal appearance at San Francisco, California April 28, 1968. [] indicated that [] would be available for participation in the BPP "International Days of Black Revolutionary Protest."

The BSU of San Francisco State College is a militant black nationalist organization which is recognized by the Administration of that college as a

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

BLACK PANTHER PARTY (BPP)

student organization.

This same source advised that [redacted]
[redacted], BPP, had indicated that she planned to travel to New York City on or about April 24, 1968 for the purpose of enlisting support and a personal appearance with certain leaders of the Student Nonviolent Coordinating Committee (SNCC) at the BPP event scheduled for May 2-14, 1968.

A characterization of SNCC is contained in the Appendix.

On April 29, 1968, this source advised that [redacted] had found it necessary to cancel her trip to New York City in order to attend a two-day meeting of the BPP at Oakland, California which was called for the purpose of developing new leadership to replace those BPP leaders who were incarcerated or were busily engaged in speaking engagements for BPP.

A characterization of the BPPSD is contained in the Appendix.

On April 29, 1968, Sergeant [redacted], Intelligence Unit, Oakland Police Department, advised that Huey P. Newton is scheduled to make an appearance before Judge Monroe Friedman, Superior Court of Alameda County, Oakland, California on April 30, 1968 for continuation of hearings on motions of discovery of the prosecution witness list. Sergeant White stated that there are strong indications that the trial of Newton on murder charges scheduled for May 6, 1968 will be postponed to May 16, 1968.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~STUDENT NONVIOLENT COORDINATING COMMITTEE

Literature distributed by the Student Nonviolent Coordinating Committee (SNCC), headquartered at 360 - 362 Nelson Street, S.W., Atlanta, Georgia, describes itself as not being a membership organization, but rather an agency attempting to stimulate and foster the growth of local protest movements. SNCC was born out of the sit-in movement which erupted across the South beginning on February 1, 1960. A conference at Raleigh, North Carolina, that Spring, brought together many of the demonstrating Southern students in a loose network of militant youth which was officially named SNCC in October, 1960.

A source has advised that in May, 1966, STOKELY CARMICHAEL was elected National Chairman by the Central Committee. In May, 1967, CARMICHAEL was replaced as Chairman by H. RAP BROWN, with CARMICHAEL assuming the position of Recruiter and Organizer for the SNCC. In August, 1967, at the invitation of FIDEL CASTRO, CARMICHAEL participated in the Organization of Latin American Solidarity Conference which was held in Havana, Cuba. Subsequent thereto, CARMICHAEL traveled to Hanoi and other sections of North Vietnam. He returned to the United States in December, 1967, at which time his passport was picked up because of travel to unauthorized countries.

A source advised that when CARMICHAEL was elected Chairman of SNCC, the organization embarked on a program of eliminating Caucasians from its ranks. With the election of H. RAP BROWN as Chairman in 1967, it embarked on a worldwide struggle for human rights and to take a firm stand against violations of these rights by the American Government and to strengthen its programs of opposition to the draft and to the United States involvement in Vietnam.

Literature distributed in February, 1968, identifies SNCC as an organization in the revolutionary vanguard. It advocates that to be successful it is necessary to develop a revolutionary ideology and revolutionary program.

On August 13, 1967, while addressing a group in the Watts area of Los Angeles, California, H. RAP BROWN said, "You better shape up America, or we'll burn you down." Later in February, 1968, in a publicized note BROWN wrote, "America, if it takes my death to organize my people to revolt against you and to organize your jails to revolt against you and to organize your children, your God, your poor, your country, and to organize mankind to rejoice in your destruction and ruin, then here's my life."

~~CONFIDENTIAL~~
APPENDIX



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

San Francisco, California

April 29, 1968

Title	BLACK PANTHER PARTY
Reference	San Francisco memorandum dated and captioned as above.

All sources (except any listed below) whose identities are concealed in referenced communication have furnished reliable information in the past.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Best Available
Copy

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-15-2008 BY 60322/UCIRP/PJ/EHL

4/22/68

b6
b7C

AIRTEL

AIRMAIL

TO: SAC, SAN FRANCISCO (100-53841)
FROM: SAC, LAS VEGAS (157-130) (P)
SUBJECT: BLACK PANTHER PARTY
FOR SELF-DEFENSE (BPPSD)
RM -BPPSD

Re San Francisco airtel to Director, dated
3/15/68.

On 3/20/68, [redacted]

[redacted] Reno, Nevada, was contacted
by SA [redacted] and advised that any further
purchases of guns by the individuals mentioned in referenced
airtel would be immediately reported to the Reno RA.
On 3/22/68, Inspector [redacted] Pawn Shop Squad, Reno PD,
who has been completely cooperative with the Reno Resident
Agency in the past, advised that no local law enforcement
agency in the Reno area obtains lists of new gun purchases.
He stated that the only list obtained is the proving of
guns. [redacted] stated that if he obtains any information
concerning a large purchase of guns by questionable individuals,
he would advise the Reno RA of same.

On 4/17/68, [redacted] was recontacted by
SA [redacted] and advised that the following
are guns he has sold to Negroes since prior contact.

On 3/23/68, he sold two "20", .38 caliber,
special revolvers, serial numbers [redacted] and [redacted];
one Rossi, .38 caliber special revolver, serial number
[redacted] and one Browning millimeter automatic, serial number
[redacted], to [redacted] listing a residence of [redacted].

- 4 - San Francisco (3 - 100-53841)
(1 - 100-56678) (RM)
2 - Sacramento (157-232) (RM)
3 - Las Vegas (2 - 157-130)
(1 - 157-139) [redacted]

TGD:kml
(9)

file in 157-52

157-52-21
157-232-3

SEARCHED	INDEXED
SERIALIZED	FILED
APR 22 1968	
FBI - SACRAMENTO	

LV 157-130

San Francisco, California. [] exhibited his draft card when purchasing the guns.

On 3/23/68, he sold three Browning "TN", 9 millimeter automatic pistols, made in Belgium, bearing serial numbers [] to [] listing an address of [] Oakland, California, who exhibited his draft card.

On 4/3/68, he sold three .38 caliber revolvers, "Charter Arms" make, bearing serial numbers [] and []; one Browning 9 millimeter automatic pistol, bearing serial number []; and one Astra brand .25 caliber automatic, bearing serial number [] to [] listing an address of [], San Francisco, California. The above address was taken from a California driver's license No. [] exhibited by []. All the above three individuals were young Negro males who had the same type of bushy style haircut.

[] on 3/22/68, sold one "EG-10", .22 caliber pistol, serial number [], to [], San Francisco, California. [] was an older Negro male and [] employed by [] in San Francisco. He did not appear to be similar in any way to the other three individuals listed above.

For the information of Sacramento, in referenced communication, San Francisco set forth information concerning the recent purchase and possession of weapons by members of the BPPSD. Investigation disclosed since 10/21/67, 64 hand guns had been purchased for cash by four individuals believed to be members or connected with the BPPSD, from [] Reno, Nevada.

Individuals purchasing some listed California addresses.

For the information of San Francisco, by airtel dated 4/6/68, captioned "Sales of Machine Guns and Other Weapons by [], Reno, Nevada to Negroes in California", Sacramento Division advised as follows:

LV 157-130

A California Highway Patrol officer, Sacramento, related that he had been told that [redacted] of a local shop selling guns, Reno, recently, [redacted] to one [redacted] Negro, male, [redacted] Reno, that he, [redacted] was making a killing selling various types of weapons including machine guns of the type used in Viet Nam, to Negroes from California.

[redacted] Las Vegas is in the process of interviewing [redacted] and [redacted] (LV file 157-139).

LAS VEGAS:

AT RENO, NEVADA:

Will maintain contact with [redacted]

FBI

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

2/17/77

DATE 09-15-2008 BY 60322/UCIRP/PJ/EHL

Transmit the following in _____

(Type in plaintext or code)

Via AIRTEL

AIR MAIL

Via _____

(Precedence)

TO: DIRECTOR, FBI
 ATTN: Records Management Division
 Freedom of Information -
 Privacy Act Unit

FROM: ADIC, LOS ANGELES (190-NEW) (1) (P)

SUBJECT: ELDRIDGE [REDACTED] CLEAVER
 V. CLARENCE M. KELLEY
 ET AL
 (U.S.D.C., D.C.)
 CIVIL ACTION NUMBER 76-795
 FREEDOM OF INFORMATION
 ACT (FOIA) MATTER
 Buded 2/18/77

b6
 b7C

Re Bureau telephone calls to Los Angeles, 2/14/77
 and 2/15/77, and Bureau teletype to Los Angeles dated 2/15/77.

Enclosed for the Bureau are two copies of all
 serials from main files identifiable with ELDRIDGE CLEAVER,
 [REDACTED] and the Black Panther Party (BPP) concerning
 the information between the dates of 8/1/67 - 4/30/68. Also
 enclosed are two copies each of all serials from references to
 ELDRIDGE CLEAVER and [REDACTED] between the dated 8/1/67
 4/30/68. E

The results of the indices search at Los Angeles
 indicate the following main files or references were located:

ST-113

3 - Bureau (Enc.)
 1 - Los Angeles

RAS/dw
 (4)

REC 67

FEB 21 1977

Approved: _____

Sent _____

M

Per _____

Special Agent in Charge

70 APR 22 1977

LA 190-NEW

LEROY ELDRIDGE CLEAVER

100-70073-503,505
(Peace and Freedom Party, California State
Convention, Richmond, California)

100-70038-142,143
[REDACTED]

b6
b7C

157-2323*
(LEROY ELDRIDGE CLEAVER, RM-BPP)

157-1618-60,61
(BPP)

[REDACTED]

b2
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[REDACTED]

157-2248*
[REDACTED] RM-BPPSD)

b6
b7C

157-1618-59
(BPP, aka BPP for Self Defense)

BPP

157-2268*
(Peace and Freedom Party and BPP Sponsored Rally,
Sunset and Vine, Los Angeles, California, 4/16/68)

157-1618*
(BPP, IS-MISCELLANEOUS)

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ E F T O
☐ CLEAR

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED

DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL

Date 2/17/77

TO: DIRECTOR, FBI
 (ATTENTION: RECORDS MANAGEMENT DIVISION,
 FREEDOM OF INFORMATION-PRIVACY ACTS BRANCH)

FROM: SAC, SAN FRANCISCO (66-4556)

SUBJECT: ELDRIDGE [REDACTED] CLEAVER V.
 CLARENCE M. KELLEY, ET AL.,
 (U.S.D.C., D.C.)
 CIVIL ACTION NO. 76-795
 FREEDOM OF INFORMATION ACT (FOIA) MATTER
 BUDED FEBRUARY 18, 1977

Re Bureau teletype to San Francisco and other
 offices dated 2/15/77.

Enclosed for the Bureau is one Xerox copy of
 all Serials pertaining to main files and references related
 to ELDRIDGE CLEAVER, [REDACTED], and the Black Panther
 Party as requested in referenced teletype.

Also enclosed for the Bureau are 2 Xerox copies
 of Form FD-160 which are indices search slips revealing
 the files located in the San Francisco Office.

For assistance of the Bureau, the indices
 search slips are attached to the packages containing the
 Xerox pages, extracted from the files which fall within
 the August 1, 1967 through April 30, 1968 period of time,
 and are separated by rubber bands to correspond with the
 FD-160 for the pertinent period.

The enclosed Serials represent all of the records
 contained in the San Francisco files for the above period,
 even those records which had been previously forwarded to
 the Bureau at the time of the investigation. Packages also
 include 1A exhibit envelopes and bulky exhibits records for
 that period.

③ - Bureau (1 package)
 3 - San Francisco
 TJAH/cea
 (6)

24 FEB 19 1977

7-26-77

ENCLOSURE
 ENCLOSURE IN BULKY ROOM

70 MAY 20 1977

Approved: _____

Transmitted _____

(Number)

(Time)

Per _____

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OFFICE MEMORANDUM UNITED STATES GOVERNMENT

TO: SAC, LOS ANGELES (100-68137)

DATE: 4/10/68

FROM: SA [REDACTED]

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SUBJECT: [REDACTED]
SM-C

SOURCE	ACTIVITY	RECEIVED	AGENT	LOCATION
[REDACTED]	General information re: [REDACTED] [REDACTED] 3/21/68.	3/28/68	Writer	[REDACTED]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL

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Informant's report is quoted as follows:

"Canoga Park
March 28, 1968

"The following information was learned during a conversation with [REDACTED] on March 21, 1968.

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[REDACTED] was very disappointed in the Peace and Freedom Party's failure to nominate [REDACTED] as its Vice Presidential candidate in Richmond, California recently. He claims that he will work for ROBERT F. KENNEDY's election if Peace and Freedom doesn't nominate a real revolutionary as its Presidential candidate at their National Convention.

CC: 1 - ALBUQUERQUE (REGISTERED)
100- [REDACTED]

b2
b7D

100-70073 (PFP)
100-61558 [REDACTED] (SI)
100- [REDACTED] (ELDREDGE CLEAVER)
157-1503 (BLACK PANTHER PARTY)
100-41391 [REDACTED]
100-66586 [REDACTED]

GGB:LAL
(9)

Read by [REDACTED]

157- [REDACTED] - 1

SEARCHED	INDEXED
SERIALIZED	FILED
APR 10 1968	
FBI - LOS ANGELES	

b6
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100-447251-1396X3
100-254

LA 100-68137

"[] said he was invited to help organize support for KENNEDY in the ghetto.

"[] said that [] didn't attend the Richmond convention because he was back East organizing for the Peace and Freedom Party.

"[] said that [] CLEAVER of the Black Panther Party had nominated [] for [] candidate at the P & F Convention.

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"[] said that [] has announced that he will run for District Attorney in L.A. [] will work on [] fund raising committee.

"According to [], [] will do the following if elected:

"1. Indict Chief REDDIN for his department's action at Century Plaza June 23, 1968.

"2. Investigate the corrupt L.A. Police Department.

"3. Prosecute policemen guilty of malpractice.

"4. Legalize marijuana."

ACTION:

Informant was thoroughly interviewed concerning the above and could add nothing further.

All necessary action in connection with this memo has been taken by the writer.

FBI

Date: 2/17/77

Transmit the following in _____
(Type in plaintext or code)Via A I R T E L _____
(Precedence)

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 09-15-2008 BY 60322/JCLRP/PJ/EHL

TO: DIRECTOR, FBI
ATTENTION: RECORDS MANAGEMENT DIVISION
FREEDOM OF INFORMATION-PRIVACY
ACTS BRANCH

FROM: SAC, SAN DIEGO (190-3)

SUBJECT: ELDRIDGE [REDACTED] CLEAVER
VS
CLARENCE M. KELLY;
ET AL
(U.S.D.C., D.C.)
CIVIL ACTION NUMBER 76-795
FREEDOM OF INFORMATION ACT (FOIA)
MATTER

b6
b7C

Re Bureau teletype dated 2/15/77.

Enclosed herewith for the Bureau are eight (8) xeroxed copies of documents.

Indices for San Diego were searched for all main files identifiable with LEROY ELDRIDGE CLEAVER, [REDACTED] and the Black Panther Party (BPP). Indices were also checked for all references on ELDRIDGE [REDACTED] CLEAVER. These files were reviewed for

4 ENCL PROCESSED

4/2-77

1/8

- ② - Bureau (Enc. 4)
1 - San Diego

JRRmlr
(3)

REC-26

SI-126

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

56 MAY 9 1977

SD 190-3

information concerning these individuals for a period of 8/1/67 through 4/30/68. No information was identifiable with either CLEAVER.

The enclosed documents were extracted from San Diego File 100-13978 entitled "BLACK PANTHER PARTY, RM - BPP."

Indices reveal under Black Panther Party a main file (SD 44-428) which has not been located to date. Date on index card is shown as July, 1969.

UNITED STATES GOVERNMENT

Memorandum

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TO : SAC (100-13978)(C)

DATE: 4/16/68

FROM : SA [REDACTED]

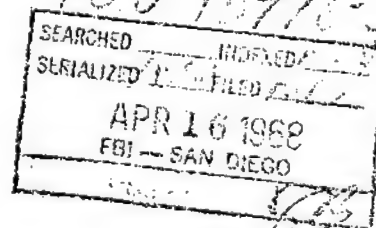
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-15-2008 BY 60322/UOLRP/PJ/EHL

SUBJECT: Black Panther Party
RM

Photographs of [REDACTED]
FBI # [REDACTED] lead Black Panther
Party, Oakland Calif and Elbridge Cleaver
FBI # 214 530 B have been placed in
this file.

Cleaver is close associate of
[REDACTED]

EMB: Eng
(1)



FBI SANDIEGO

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FBI SAN FRAN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL

1230 PM URGENT 4-19-68 TRB
TO LOS ANGELES AND SAN DIEGO
FROM SAN FRANCISCO (157-1204)

BLACK PANTHER PARTY, AKA BLACK PANTHER PARTY FOR SELF DEFENSE; RM-BPP.

INFORMATION RECEIVED TODAY FROM [REDACTED] INTELLIGENCE UNIT,
OAKLAND PD, THAT [REDACTED] BLACK PANTHER PARTY
(BPP), ALONG WITH UNKNOWN NEGRO WOMAN [REDACTED] LEFT THE SAN FRANCISCO
BAY AREA WEDNESDAY AND IS BELIEVED TO BE IN LOS ANGELES. ALSO, THAT
[REDACTED] BPP, AND [REDACTED]
[REDACTED] BPP, LEFT SAN FRANCISCO AREA
APPROXIMATELY SAME TIME AND IS IN SAN DIEGO.

[REDACTED] DESCRIBED NEGRO MALE, BORN [REDACTED]
[REDACTED] FIVE FEET TEN, ONE FIVE FIVE POUNDS, SLENDER,
BLACK HAIR, WORN NORMAL NOT NATURAL, BROWN EYES, [REDACTED]
[REDACTED] NO MOUSTACHE.

[REDACTED] DESCRIBED [REDACTED] FIVE FEET FIVE TO FIVE FEET SIX,
MEDIUM BUILD, ONE TWO FIVE POUNDS, MEDIUM-DARK COMPLEXION, HAIR
NATURAL, [REDACTED]

[REDACTED] DESCRIBED AS NEGRO, TWENTYTHREE, FIVE FEET SIX,
SLENDER, LIGHT BROWN COMPLEXION, BROWN HAIR WORN NATURAL, STANDS
OUT, FEATURES - FINE, ATTRACTIVE.

FOR INFORMATION.

END

OTHER OFFICE ADVISED

KAC

FBI SANDIEGO

P

44-1327-1

UNITED STATES GOVERNMENT

Memorandum

TO : SAC (1)

DATE: 5/2/68

FROM : SA [REDACTED]

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL

SUBJECT: BLACK PANTHER PARTY ✓
RM

Attached pamphlet re Black Panther Party furnished by
[REDACTED] on 5/1/68.

For file only.

EMP:emp
(1)

✓

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b6
b7C

100-447251-1396x4

790-2516-4 100-13975-8

[REDACTED]
[REDACTED]
INDEXED
CLASSIFIED
1968
FBI - SAN DIEGO

BOBBY HUTTON

murdered

Malcolm X was *murdered*.

Martin Luther King was *murdered*.

Both were 39; both were
ministers, one Baptist, one

Muslim. *Both were unarm*ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

Minister of Defense DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL
Huey P. Newton was shot by
Oakland pigs attempting to
murder him. He is charged with
murder and attempted murder,
facing a death sentence.

Minister of Information
Eldridge Cleaver was shot by
Oakland pigs attempting to
murder him. He is charge with
3 counts of attempted murder,
and now that his parole has
been revoked, faces life
imprisonment.

Brother Malcolm, Dr. King, Huey
P. Newton, and Eldridge Cleaver
all laid their lives on the line
for BOBBY HUTTON. Brother Bobby
is dead, murdered by an Oakland
pig. *He died fighting for our
freedom.*

FUNERAL AT STAR BETHEL CHURCH
Stanford and San Pablo, Oakland
11:15 Friday, April 12

MEMORIAL AT MERRITT PARK 1:30 pm
(across the street from Alameda
County Courthouse)

PROCESSION TO JAIL for

**Eldridge
Cleaver**

following memorial

BODY IN STATE at Fouchette-Hudson
Funeral Home, 37th and Telegraph
Oakland



SAC, SAN DIEGO (157-

5/9/68

SA [REDACTED]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL

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b7C

[REDACTED]
RACIAL MATTERS

INFORMATION USED FROM THIS MEMO SHOULD BE PARAPHRASED
TO PROTECT THE IDENTITY OF THE INFORMANT.

On [REDACTED] was
contacted by SA [REDACTED] at which time he furnished
information which is filed as [REDACTED] Informant advised
he had no further information in his possession at this
time.

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RECOMMENDATION: All necessary action, as indicated by the
contents of this memo, has been taken by the
writer.

157-

READ BY _____

cc:

[REDACTED]
100-13978 (Black Panther Party)

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EMP:jlk
(2) *few*

100-13978-12

SEARCHED	INDEXED
SERIALIZED	FILED
MAY - 1968	

100-447251- 1396x4

190-5-16-11

FEDERAL BUREAU OF INVESTIGATION

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REPORTING OFFICE SAN FRANCISCO	OFFICE OF ORIGIN SAN FRANCISCO	DATE 15/23/68	INVESTIGATIVE PERIOD 2/16 - 5/20/68
TITLE OF CASE BLACK PANTHER PARTY, aka Black Panther Party For Self-Defense		REPORT MADE BY <div style="border: 1px solid black; width: 150px; height: 20px; margin: 5px 0;"></div>	TYPED BY j
		CHARACTER OF CASE <div style="text-align: center; margin-top: 20px;">RM</div>	

REFERENCE: Report of SA , dated November 16, 1967, at San Francisco.

-P*-

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 09-15-2009 BY 60322/UCLRP/PJ/EHL

ADMINISTRATIVE DATA

Copies of this report have been designated for Atlanta, Los Angeles, Las Vegas, Portland, San Diego, Seattle, Sacramento, Washington Field, and New York for information inasmuch as this report contains ramifications of specific interest to those offices.

Copies are also being disseminated locally to the Army, Navy, Air Force and Secret Service and United States Attorney, San Francisco.

<p>APPROVED</p> <p>COPIES MADE:</p> <ul style="list-style-type: none"> 7 - Bureau (105-165706)(RM) 1 - USA, San Francisco (RM) 1 - Secret Service, San Francisco (RM) 2 - 115th MI Group (RM) 1 - NISO, 12th ND (RM) 1 - OSI, 19th District (RM) (SEE COVER PAGE B) 	<p>SPECIAL AGENT IN CHARGE</p>	<p style="text-align: center;">DO NOT WRITE IN SPACES BELOW</p> <table border="1" style="width: 100%; height: 150px; border-collapse: collapse;"> <tr><td style="width: 25%; height: 40px;"></td><td style="width: 25%; height: 40px;"></td><td style="width: 25%; height: 40px;"></td><td style="width: 25%; height: 40px;"></td></tr> <tr><td style="height: 40px;"></td><td style="height: 40px;"></td><td style="height: 40px;"></td><td style="height: 40px;"></td></tr> <tr><td style="height: 40px;"></td><td style="height: 40px;"></td><td style="height: 40px;"></td><td style="height: 40px;"></td></tr> </table>																									
<p style="text-align: center;">Dissemination Record of Attached Report</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Agency</th> <th style="width: 15%;">Request Recd.</th> <th style="width: 15%;">Date Fwd.</th> <th style="width: 15%;">How Fwd.</th> <th style="width: 15%;">By</th> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>		Agency	Request Recd.	Date Fwd.	How Fwd.	By																					<p>Notations</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p style="font-size: 1.2em; margin: 0;">100-13978-16</p> <p style="margin: 2px 0;">SEARCHED <input checked="" type="checkbox"/> INDEXED <input checked="" type="checkbox"/></p> <p style="margin: 2px 0;">SERIALIZED <input checked="" type="checkbox"/> FILED <input checked="" type="checkbox"/></p> <p style="text-align: center; margin: 5px 0;">FBI - SAN DIEGO</p> </div>
Agency	Request Recd.	Date Fwd.	How Fwd.	By																							

Report disseminated per San 115-114177

This report is classified ~~Confidential~~ because it contains information furnished by SF T-1 which, if disclosed, could possibly result in the loss of an informant of continuing value.

Case files have been opened for active investigation on those persons mentioned in this report as being affiliated with the Subject organization.

The bank information set forth in this report has been summarized for the sake of brevity. The FD 302's covering the monitoring of the HUEY P. NEWTON Defense Fund checking account at the 8th and Broadway Branch, Bank of America, Oakland, California, and the Black Panther Party Commercial Association Checking Account at the Emeryville Branch, Wells Fargo Bank, Emeryville, California, are filed in the main case file on this organization.

Agents who attended the HUEY P. NEWTON Defense Fund Rally held on February 17, 1968, at the Oakland Municipal Auditorium. Oakland, California are SA [redacted]

[redacted], SA [redacted] and SA [redacted]

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On April 12, 1968, Agent [redacted] observed the BOBBY JAMES HUTTON Memorial gathering at the Oakland Museum Park, Oakland, California, and heard JAMES FORMAN, leader of Student Nonviolent Coordinating Committee (SNCC) give a speech eulogizing the deceased.

This report is for the most part the summary of information previously furnished by LHM to the Bureau and to interested offices and agencies.

The firearms weapons mentioned in this report as having been confiscated from Black Panther Party members or purchased by Black Panther Party members have been checked through NCIC. The identifying data concerning these weapons has been recorded in this case file.

COPIES

- 1 - Atlanta (RM)(Info.)
- 1 - Los Angeles (RM) (Info.)
- 1 - Las Vegas (RM)(Info.)
- 1 - Portland (RM)(Info.)
- 1 - San Diego (RM)(Info.)
- 1 - Seattle (RM)(Info.)
- 1 - WFO (RM)(Info.)
- 1 - New York (RM)(Info.)
- 1 - Sacramento (RM) (Info.)
- 4 - San Francisco (157-1204)

- B -
COVER PAGE

SF 157-1204
WJW:jl

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INFORMANTS

Identity of Source

File Where Located

SF T-1 is

[REDACTED]

[REDACTED]

SF T-2 is
a Reliable Source of

[REDACTED]

This report.

SF T-3 is

[REDACTED]

(BY REQUEST)

SF T-4 is

[REDACTED]

[REDACTED]

SF T-5

[REDACTED]

(BY REQUEST)

SF T-6 is

[REDACTED]

This report.

SF T-7 is

[REDACTED]

(BY REQUEST)

SF T-8 is

[REDACTED]

[REDACTED]

SF 157-1204
WJW:jl

LEADS

SAN FRANCISCO

AT SAN FRANCISCO, CALIFORNIA. Will through informants and established sources continue to follow the activities of this organization and submit a report within 90 days.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

Copy to:

- 1 - USA, San Francisco (RM)
- 1 - Secret Service, San Francisco (RM)
- 2 - 115th MI Group (RM)
- 1 - NISO, 12th Naval District (RM)
- 1 - OSI, 19th District (RM)

Report of:

[Redacted]

Office: SAN FRANCISCO

Date:

5/23/68

b6
b7C

Field Office File #:

157-1204

Bureau File #:

105-165706

Title:

BLACK PANTHER PARTY

DECLASSIFIED BY 60322/UCLRP/PJ/EHL
ON 09-15-2008

Character:

RACIAL MATTERS

Synopsis:

The name of Black Panther Party for Self-Defense (BPPSD) changed to Black Panther Party (BPP) March, 1968. National headquarters located at 4421 Grove Street, Oakland, California. During 1968, general membership meetings of the BPP were held at St. Augustine's Episcopal Church, Downs Memorial Methodist Church, and St. Philip's Community Church, Oakland, California. Merger of the BPP and Student Nonviolent Coordinating Committee (SNCC) announced at February 17, 1968, HUEY P. NEWTON Defense Rally, Oakland, California; H. RAPP BROWN named as Minister of Justice, BPP; JAMES FORMAN as Minister of Foreign Affairs, and STOKELY CARMICHAEL as Prime Minister of Afro-America. HUEY P. NEWTON, Minister of Defense, BPP, incarcerated Alameda County Jail, Oakland, California, awaiting trial on charge of murder of an Oakland police officer. The "International Days of Black Revolutionary Protest" June 5 - June 15, 1968, are focused on NEWTON's trial, scheduled for June 10, 1968. The BPP has entered into narrow coalition with Peace and Freedom Party (PFP). The following BPP leaders announced candidates for political office on the PFP ballot in the 1968 elections: BOBBY GEORGE SEALE, Chairman, for Assemblyman, 17th California State Assembly District; LEROY

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ELDRIDGE CLEAVER, Minister of Information (incarcerated at California State Medical Facility, Vacaville, California) for President of the United States of America; HUEY P. NEWTON as Congressman, 7th U.S. Congressional District. [REDACTED]

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[REDACTED] On April 6, 1968, several members of the BPP including CLEAVER and [REDACTED] were involved in "shoot-out" with Oakland police officers, Oakland, California, which resulted in death of BOBBY JAMES HUTTON, age 17, a BPP member and injury to two police officers and two BPP members; arsenal of BPP weapons confiscated. On April 12, 1968, JAMES FORMAN, Minister of Foreign Affairs, BPP, spoke at memorial gathering for HUTTON at Oakland, California. Twenty thousand copies of May 4, 1968 issue of "Black Panther Party-Black Community News Service" official news publication of BPP ordered for sale to public at 25 cents per copy.

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DETAILS:

I. CHANGE OF NAME OF ORGANIZATION

At press conference held on March 7, 1968, at the Alameda County Jail, Oakland, California, HUEY PERCY NEWTON, Minister of Defense, Black Panther Party (BPP) stated that the words "self-defense" had been deleted from the official name of the organization because "people seem to misinterpret the definition of what self-defense is all about".

II. LOCATION OF THE NATIONAL HEADQUARTERS

The new national headquarters for the BPP and the HUEY P. NEWTON Defense Fund is located at 4421 Grove Street, Oakland, California, telephone number 654-2003. It is situated on the ground floor level of a commercial store front building in a semi-commercial, predominantly Negro district of North Oakland.

III. ORGANIZATIONAL STRUCTURE

The planned organizational structure of the BPP as of April, 1968, included the following chain of command:

Minister of Defense
Chairman
Minister of Information
National Headquarters Captain
Minister of Education
Captains
Sub Captains
Section Leaders
Sub Section Leaders
Block Leaders
The People

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4/8/68

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At a general membership meeting of the BPP held on April 13, 1968, at the Downs Memorial Methodist Church, 61st and Idaho Streets, Oakland, attended by approximately 110 members, BOBBY GEORGE SEALE, Chairman and GEORGE MASON MURRAY, Minister of Education, BPP, discussed the "10-10-10 Program" for the organizational structure of the BPP, in connection with the revolutionary warfare tactics against the "white establishment" in Oakland, California. MURRAY announced that the program included plans for dividing the "Black Belt" of the city of Oakland into ten sections, those sections into ten subsections, and those subsections into blocks to educate the black community of Oakland in revolutionary warfare methods and tactics.

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4/15/68

In early May, 1968, it was indicated that the BPP had plans to expand and open branches of the BPP in the major West Coast cities.

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5/8/68

IV. OFFICERS

As of May 1, 1968, the officers of the BPP consisted of the following:

Index

HUEY PERCY NEWTON	Minister of Defense
BOBBY GEORGE SEALE	Chairman
LEROY ELDRIDGE CLEAVER	
(better known as	
ELDRIDGE CLEAVER)	Minister of Information
DAVID HILLIARD	National Headquarters Captain
GEORGE MASON MURRAY	Minister of Education
H. RAPP BROWN	Minister of Justice
JAMES FORMAN	Minister of Foreign Affairs
AUDREY HUDSON	Secretary
KATHLEEN CLEAVER	Communications Secretary
EMORY DOUGLAS	Revolutionary Artist
EVELYN C. PROCTOR	Finance Manager

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V. MEMBERSHIP

As of May 1, 1968, the BPP had an estimated activist membership of approximately 125 persons in Northern California. Several hundred others have completed applications for membership in the BPP or have indicated sympathetic affiliation with the BPP.

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Membership in the BPP is restricted to non-Caucasians after being oriented. Members are expected to possess their own firearms weapons. The prescribed wearing apparel for the BPP members are black berets, black leather jackets, black trousers, powder blue shirts and black ties.

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5/3/68

In a press conference in San Francisco, California, on April 11, 1968, as reported in the "San Francisco Chronicle" of April 12, 1968, and also on KTVU Channel 2 television, Oakland, HARRY THOMAS EDWARDS, Associate Professor of Sociology at San Jose State College, San Jose, California, announced that he had decided to join the BPP. EDWARDS urged other Negroes who had achieved social standing to also join the BPP to serve notice on society that "you can no longer ignore the Black Panthers". He proclaimed that he personally encouraged violence because "non-violence essentially has not worked".

HARRY THOMAS EDWARDS has gained nation-wide prominence through his promotion of a boycott by Negro athletes of the Olympic Games to be held in Mexico City, Mexico. He has been publicly identified as a leader of the Black Students Union (BSU) at San Jose State College, which is a militant black nationalist organization recognized by San Jose State College administration as a student organization.

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VI. MEETINGS AND TEACHINGS

From January to May, 1968, weekly general membership meetings of the BPP were held in Oakland, California, at St. Philips Community Church, 42nd and Grove Streets, or Downs Memorial Methodist Church, 61st and Idaho Streets or St. Augustine's Episcopal Church, 27th and West Streets. Attendance at these meetings ranged from twenty to 110.

SF T-1
from 1/15/68 through 5/20/68

At meetings of the BPP held in January and February, 1968, ELDRIDGE CLEAVER, in the capacity of Minister of Information, BPP, distributed copies of "The Catechism of the Revolutionist" which set forth an introduction by the Minister of Information which is quoted in part as follows:

"The Catechism of the Revolutionist,
by Mikhail Alexandrovich Bakunin, is one of the most important formulations of principles in the entire history of revolution. A contemporary Marxist, Bakunin was the epitome of the activist and his deeds spoke louder than his words..."

"The history of revolutionary movements all over the world attest to the fact that Bakunin's message must be unearthed and scrutinized by a new generation faced with a new tyranny..."

SF T-1 on 2/16/68

At one of the meetings held on January 14, 1968, at St. Philips Community Church, Oakland, one of the members stated that the BPP had plans to request Negro businessmen to contribute \$10 per month for support of their organization. These contributors would be provided a sticker for the front windows of their stores to identify them as contributors. Those who refused to contribute would be told "we are not responsible if a brother happens to burn your place down".

SF T-1
on 1/15/68

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At another of these general membership meetings of the BPP held on January 21, 1968, at the same location, ELDRIDGE CLEAVER gave a twenty minute talk in which he announced that his book "Soul On Ice" would soon be available. CLEAVER stressed the importance of the BPP raising funds for the Defense of HUEY P. NEWTON stating that the success of the BPP as an organization rested on the matter of NEWTON being freed of charges of murdering an Oakland police officer. CLEAVER further stated that the BPP members "should feel justified to rob, steal and if necessary, to kill in order to get what they needed for the support of their organization." He also indicated that "some of the brothers have been sharing with the organization the loot taken from their robberies and burglaries."

SF T-1
on 1/22/68

On March 30, 1968, approximately 65 to 70 Negroes attended a meeting of the BPP at St. Augustine's Episcopal Church, 27th and West Streets, Oakland. At this meeting BOBBY GEORGE SEALE spoke on the importance of dividing the white community and commented that one way to accomplish this is to have the BPP work through the PFP. At this meeting SEALE stressed that there will be "no spontaneous rioting, only organized". A map of the city of Oakland, California, was placed on the wall and the city was divided into sections and subsections. A leader was assigned to each section and was issued the instructions "you will not walk in groups of less than four nor more than five". Those in attendance were divided into two workshop groups representing Oakland and Berkeley, California, to continue instructions on guerrilla warfare tactics to be used in their respective areas.

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April 3, 1968

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At still another of these meetings held on May 8, 1968, at St. Augustine's Episcopal Church, Oakland, with approximately 55 persons in attendance, GEORGE MASON MURRAY in the capacity of Minister of Education asked the BPP members present to volunteer the use of their apartments and homes for educational classes in revolutionary tactics. He specified that groups of five or six persons would be expected to attend these classes to be held at various locations in the San Francisco Bay area and that the material for these classes would be taken from the red book "Quotations of Chairman Mao Tse Tung", and publications of other leading revolutionaries. MURRAY stressed the importance of attendance at these classes stating that there was need for preparations for defense against confinement in the concentration camps now being planned for militant Negroes and that time was running out. MURRAY concluded by stating "the spirit with guns will enable use to win this revolutionary struggle against white oppression".

VII. FINANCES

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The above bank information can only be made public through the issuance of subpoena duces tecum directed to the manager where the account is located or his designated representative.

reportedly had a couple of BPP members beaten up on or about March 17, 1968, for "dipping into the till" of the HUEY P. NEWTON Defense Fund.

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4/11/68

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The above bank information can only be made public through the issuance of subpoena duces tecum directed to the manager where the account is located or his designated representative.

The accredited speakers of the BPP as of May, 1968, were KATHLEEN CLEAVER, GEORGE MASON MURRAY, BOBBY GEORGE SEALE. They indicated that they expected fees ranging from \$300 to \$500 for speaking before church and civic groups for each appearance.

SF T-2
5/7/68

VIII. OFFICIAL PUBLICATION "BLACK PANTHER PARTY-BLACK COMMUNITY
NEWS SERVICE (BPP-BCNS)

On May 10, 1968, [REDACTED] Publishing Company, San Francisco, California, advised that representatives of the BPP had ordered and paid for 20,000 copies of the May 4, 1968, issue of the BPP-BCNS at a cost of \$35.00 per thousand. This official publication of the BPP sells at 25 cents per copy.

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An excerpt from an article appearing in the May 4, 1968, issue of the BPP-BCNS on Page 6, Columns 1 through 4, entitled "The Correct Handling of a Revolution" by the Minister of Defense HUEY P. NEWTON, is quoted in part as follows:

"Most human behavior is learned behavior...
At this time the Black masses are handling
the resistance incorrectly...

"The Vanguard Party must provide leadership for the people. It must teach the correct strategic methods of prolonged resistance through literature and activities. If the activities of the party are respected by the people, the people will follow the example. This is the primary job of the party. This knowledge will probably be gained second-hand by the masses...
When the people learn that it is no longer advantageous for them to resist by going to the streets in large numbers and when they see the advantage in the activities of the guerilla warfare method, they will quickly follow this example. But first they must respect the party which is transmitting this message. When the Vanguard group destroys the machinery of the oppressor by dealing with him in small groups of three and four, and then escapes the might of the oppressor, the masses will be overjoyed and will adhere to this correct strategy. When the masses hear that a gestapo policeman has been executed while sipping coffee at a counter, and the revolutionary executioners fled without being traced,

the masses will see the validity of this type of approach to resistance. It is not necessary to organize 30 million black people in primary groups of twos and threes, but it is important for the party to show the people how to go about revolution..."

An article entitled "Dig This-Credo for Rioters and Looters" on Page 4, Column 3 and 4 of the same issue of the BPP-BCNS quoted in full as follows:

"An anonymous cop in an anonymous city shoots to death an anonymous black youth suspected of stealing a car, and riots, on the heels of the news, sweep the nation. Widespread looting is reported in a dozen cities. Roving bands of black youths set buildings on fire. Snipers, firing on policemen and firemen, are reported in several cities. In two or three places, the National Guard is called out to restore order. 'Responsible Negro Leaders', given prime time on radio and TV, appeal for calm; 'Cool it, Baby,' enjoin, but Baby isn't listening to them. Strangely, demonic, maniacal black demagogues raise their voices above the crescendo of chaos and madness, urging the marauders to burn America to the ground.

"Before the last flames die down, a Blue Ribbon Commission, established by Presidential Decree, is instructed to investigate the cause of the disorders. Distinguished Congressmen, with the insight of their racism, already know the cause of the disorders and waste no time announcing it to an uneasy nation: Stokely Carmichael! Rap Brown! SNCC! Leroi Jones! The Black Panthers! -- these apostles of violence are to blame!

"Upwards of 20,000,000 black people, knowing you for the rotten, racist, murdering nation of white thievish hypocrites that you are, are no longer interested in explaining anything to you, America. Indeed, we understand that you already know all about it. We know that your investigations into the disorders are just a bunch of bullshit maneuvers designed to buy you time while you multiply and perfect your machinery of repression which you have already unleashed upon us. In fact, your investigators themselves are amongst your chief and shrewdest criminals.

"Black people have already judged you, America, and have condemned you to death. And we also know that history has selected us, your slaves and chief victims, to be your executioner, the instrument of your destruction.

"What a laugh! America the beautiful. Home of the brave. Friend of the underdog. You once had a beautiful dream -- but even then, while you dreamed that dream, you were foul and corrupt and rotten in your heart, but you were a minor league brigand then and when you compared yourself to the other tyrannies in the world, you looked innocent by contrast to their greater evil. The innocent blood they had shed was a vast and ancient ocean, and yours was a fresh new stream. But now your little stream has become vaster than the sky and your evil dwarfs everything that has gone before. Now you stand naked before the world, before yourself, a predatory, genocidal Dorian Grey, stripped of all egalitarian democratic makeup.

"Is it any wonder that we burn you, that we loot you -- you who have burned and looted the world? Who are you to judge? You have no say in the matter. In the councils of the oppressed, the oppressor has no vote. The oppressor has no right which the oppressed are bound to respect.

"America, you will be cleansed by fire, by blood, by death. We who perform your ablution must step up our burning -- bigger and better fires, one flame for all America, an all-American flame; we must step up our looting--loot, until we storm your last hoarding place, till we trample your last stolen jewel into your ashes beneath our naked black feet; we must step up our sniping--until the last pig is dead, shot to death with his own gun and the bullets in his guts that he had meant for the people.

"We are not blind fools, America, we are not petty and greedy like you. You have seen to that. You kept us from becoming like you. We are not even part of you. We are not of you or in you and you are not in us. We stand clear of you. And we are not unjust, as you are. We know that there are those amongst your people who are innocent, those who have had no part in your decisions, those who were brainwashed and manipulated out of their own humanity, out of their minds, out of their lives. We know who these are. These will help us burn you. These will help us loot you. These will help us kill you, so that humanity might breathe a new air and bask in sunlight that will not warm your grave.

"Establish a Blue Ribton Commission to investigate that!"

IX. PROGRAM OF THE BPP

Mimeographed leaflets widely distributed throughout the San Francisco Bay Area, California, during April, 1968, carried the program of the BPP under two headings, "What We Want", and "What We Believe".

The ten points itemized under the heading "What We Want" are being set forth as follows:

- " 1. We want freedom. We want power to determine the destiny of our Black Community.
2. We want full employment for our people.
3. We want an end to the robbery by the white man of our Black Community.
4. We want decent housing, fit for shelter of human beings.
5. We want education for our people that exposes the true nature of this decadent American society. We want education that teaches us our true history and our role in the present day society.
6. We want all Black men to be exempt from military service.
7. We want an immediate end to POLICE BRUTALITY and MURDER of Black people.
8. We want freedom for all Black men held in federal, state, county and city prisons and jails.
9. We want all Black people when brought to trial to be tried in court by a jury of their peer group or people from their Black Communities, as defined by the Constitution of the United States.
10. We want land, bread, housing, education, clothing, justice and peace."

X. DEMONSTRATIONS, RALLIES AND A COURT ACTION IN CONNECTION WITH HUEY P. NEWTON TRIAL

The January 29, 1968, issue of the "Daily Californian" student newspaper, University of California, Berkeley, on Page 1 Columns 1 and 2, contained an article captioned "Newton Before Court; 300 Protest Outside" which stated in part as follows:

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"Black Panther Huey P. Newton made his first appearance in court Friday, when arraignment proceedings began over his indictment for the alleged murder of an Oakland policeman in October, 1967.

"During the hearing, Newton's lawyer, Charles Garry contested his client's indictment and requested that the case be dismissed on grounds that the Grand Jury which indicted Newton was illegitimate (illegally constituted).

"The Constitution stated that a Grand Jury must be composed of one's peers and Garry argued that the Grand Jury which indicted Newton was unlawful since its members were primarily upper class whites and not Newton's peers...

"Chanting, 'Free Huey Now' and carrying signs reading 'Free The 7' the demonstrators circled the front of the courthouse and filled the fifth floor hall outside the room where Newton was being arraigned."

The records of the Clerk of the Superior Court, Alameda County Courthouse, Oakland, California, under Action Number 41266, disclosed that the arraignment for HUEY P. NEWTON, under indictment for murder, originally set for November 16, 1967, was on four separate occasions continued and Newton was ultimately arraigned on January 16, 1968.

On May 20, 1968, Sergeant [REDACTED], Alameda County Sheriff's Office, Oakland, advised that the trial of NEWTON which had been set for May 6, 1968, has been postponed to June 10, 1968, in Superior Court of Alameda County, California, Oakland, California.

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The April 23, 1968, issue of the "San Francisco Chronicle" on Page 3, Columns 1 and 2, contained an article entitled "Panthers Suit Against Police" which states in part as follows:

"The Black Panthers went to Federal Court here yesterday to stop Oakland and Alameda County from harrassing and prosecuting them and all black persons.

"Judge William T. Sweigert set May 2 for a court hearing on an injunction sought by the Panthers... In addition to injunctions against harrassment and prosecution, the Panthers are asking the courts to declare certain parts of the California Penal Code unConstitutional...

"Their suit is aimed, said Panther attorney Charles Garry, at preventing 'the chaos which exists in the ghettos of Oakland' because of alleged police harrassment."

The records of the U.S. District Court, San Francisco, California, disclosed that the above mentioned court hearing on injunction sought by the BPP has been scheduled for May 21, 1968, at San Francisco, California.

In latter April and early May, 1968, a mimeographed leaflet of the BPP announced that the "International Days of Black Revolutionary Protest" including a massive march and demonstration to "free Huey" would be held from June 5 - 15, 1968, and that the focal point of this activity would be the trial of HUEY P. NEWTON on June 10, 1968, Alameda County Courthouse, 12th and Fallon Streets, Oakland, California.

The May 10 - 16, 1968, issue of the "Berkeley Barb" on Page 3, Columns 4 and 5, contained an article captioned "Panthers To Stop Oakland". This article stated in part as follows:

"The Black Panthers will try to stop Oakland early next month.

"'We will deliver an ultimatum to the white power structure to free Huey Newton, Eldridge Cleaver, and all black political prisoners -- or the sky's the limit,' Black Panther chairman Bobby Seale told BARB.

"As Seale sat in the Panther office mapping out plans for the International Days of Black Revolutionary Protest, a young woman at a desk in the background was phoning the United Nations in New York.

"We're inviting representatives from delegations of all Afro-Asian nations in the United Nations,' Seale explained, 'and from North Vietnam and Red China.'

"The form of the Panther wrench in Oakland's gears will be massive boycotts and city-wide marches. Seale said he anticipates that about 50,000 black people from throughout the USA and other countries will take part in the June 5-15 actions.

"Huey Newton's trial begins June 10. On that day simultaneous marches from the outskirts of Oakland will converge along a dozen streets onto the Alameda County Courthouse.

"We're going to apply for permits,' Seale told BARB, 'but if we don't get the permits, we're going to march anyway, because we have a right to assemble for redress of grievances.'

"The ultimatum will demand the release of all black political prisoners, and that all Oakland businesses inform the Panthers of how many immediate job openings they have for black people.

"Businesses that don't respond will be hit with a total boycott,' Seale said, 'and those that give a satisfactory reply will be given signs for their windows: Don't Boycott This Store.'"

XI. COLLECTION OF GUNS AND GUN-CARRYING INCIDENTS

Records of the Berkeley Police Department disclose that on February 25, 1968, [redacted] and [redacted] were charged with Violation 12020, Penal Code (PC)(Possession of Illegal Firearm) and 12090 PC (Obliterating Identifying Marks on a Pistol). Four of their associates were each charged with two violations, violation of 12025 PC (Concealed Weapon in Automobile) and 12031 PC (Carrying a Loaded Firearm In Vehicle in Public Place or Street Within City of Berkeley).

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All six persons pled not guilty and were free on bail.

The "Berkeley Daily Gazette" issue of February 26, 1968, carried an article concerning the February 25, 1968, arrests and stated in part as follows:

"Charles Garry, Defense Attorney for Black Panther Huey P. Newton...will represent Seale. He called the arrest 'atrotious act by a law enforcement agency' and 'trumped-up phoney charges'. Garry said the Berkeley arrest of the Seales depletes the Huey Newton Defense Fund further..."

On February 27, 1968, Captain BRUCE BAKER, Acting Chief of Police, Berkeley, California, advised that on that evening a group of approximately 300 persons led by [redacted] of the BPP, attended the Berkeley City Council meeting commencing at 7:00 p.m. He said that [redacted] and others representing the BPP and the PFP took control of the council meeting from about 7:00 p.m. to 9:00 p.m. Mayor WALLACE JOHNSON of Berkeley, Chairman of the City Council, reseized the meeting and requested that Captain [redacted] have the police clear the council chambers. Captain [redacted] requested assistance from the Alameda County Sheriff's Office, the California Highway Patrol and the Oakland Police Department. He described the scene as "potentially riotous".

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The April 7, 1968, edition of the "Oakland Tribune", Oakland, California newspaper, on Page 1, Columns 1 and 2, carried an article captioned "Oakland's 90-Minute War -- One Dead, Four Shot in Battle -- Two Panthers and Two Cops Hit in Siege", which states in part as follows"

"One suspect was killed, two wounded and two Oakland Police Officers shot and wounded Saturday night, April 6, 1968, during a 90-minute gun battle and siege in West Oakland.

"The slain suspect, shot as he emerged from a barricaded house at 1218 - 28th Street, was tentatively identified by police as Bobby Hutton, about 18, a member of the Black Panthers..."

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"Deputy Police Chief Robert R. Cazadd said the gun battle grew out of a definite attempt to ambush the police.

"Police said the shooting began after a patrol car stopped to question the occupants of three parked cars in the 2900 block of Union Street."

The records of the Identification Division, Oakland Police Department disclosed that the following individuals were arrested and charged with assault with intent to commit murder in connection with the April 6, 1968, incident, Oakland, California:

[REDACTED]

Berkeley, California

ELDRIDGE CLEAVER
850 Oak Street
San Francisco, California

[REDACTED]

Oakland, California

[REDACTED]

Oakland, California

[REDACTED]

San Francisco, California

[REDACTED]

Oakland, California

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[REDACTED]

Address Not Given

[REDACTED]

San Francisco, California

On April 10, 1968, Officer [REDACTED], Intelligence Unit, Oakland Police Department, Oakland, California, advised that investigation by the Oakland Police Department subsequent to April 6, 1968, has disclosed the following facts:

Early on Saturday evening, April 6, 1968, LE ROY ELDRIDGE CLEAVER, better known as ELDRIDGE CLEAVER, Minister of Information, Black Panther Party, gathered members and leaders of the BPP together at BPP Headquarters, 4421 Grove Street, Oakland, California, and told them that he received alarming information from a source considered by him to be reliable and in a position to know. He said he had been told that the Oakland Police Department was planning genocide against the BPP. Then he stated, "We'll take care of that. We'll get them first."

About fifteen BPP members, including CLEAVER and [REDACTED] of the BPP, proceeded in three cars to a house located at 3421 Chestnut, Oakland, California, where they gathered up numerous weapons, including rifles and shotguns. At this location CLEAVER stated that they would cruise around North Oakland to look for a policeman to kill.

They then proceeded to North Oakland and spotted two police officers as they were getting out of their patrol car. The BPP members got out of their cars unnoticed by the officers. By jumping fences and going through backyards they endeavored to maneuver themselves into a position to shoot at the officers. Before they could get set up, the officers were back in their car and departed. No shots were fired and the officers never became aware of the presence of the BPP members. The officers had responded to a missing persons complaint and had only remained at the location of the complaint for a short time because they were informed upon arrival that the missing person had returned home.

After previously cruising around North Oakland, the BPP members decided to rendezvous in the vicinity of 30th and Union Streets, Oakland. Shortly after they arrived in that location, the aforementioned shooting incident took place.

Investigation by the Oakland Police Department has disclosed that the following individuals are suspected of having been involved in the April 6, 1968, BPP gun battle with the Oakland Police Department:

[redacted] student at San Francisco State College and suspected of being affiliated with the Black Student Union.



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The April 11, 1968, issue of the "San Francisco Chronicle", San Francisco daily newspaper, on Page 3, paragraph 5, contains an article captioned "Panthers Plead Not Guilty", which states in part as follows:

"Black Panther Eldridge Cleaver was brought in a heavily-guarded ambulance from the Vacaville Medical Facility to make an Oakland court appearance with six co-defendants yesterday...

"More than one-half of the spectators in court were Black Panthers, and they gave Cleaver and the other defendants the clenched fist salute of the militant Negro organization. Some chanted 'Black Power' at the end of the hearing.

"Cleaver and the others entered pleas of not guilty to charges of assault with intent to commit murder arising from a gun battle in West Oakland last weekend...

"Judge Stafford P. Buckley denied a request by defense attorney Charles Garry for a reduction in Cleaver's bail of \$63,000.00 and the \$40,000.00 bail set for the others."

The April 25, 1968, issue of "San Francisco Examiner" on Page 1, Columns 1 through 3, contained an article captioned "Panthers Sought Battle, Jury Told," which stated in part as follows:

"The Grand Jury transcript today disclosed statements from Black Panthers that an armed group of them went looking for 'some shooting' with police the night of the April 6 gun battle in West Oakland.

"The statements were presented to the Alameda County Grand Jury yesterday as part of the evidence on which eight of the Panthers were indicted and police were exonerated in the killing of one Panther, Bobby Hutton, 17.

"The Panthers had charged that Hutton was shot down as he fled from the house clad only in shorts. The evidence showed he was fully clothed.

"One of the Panther statements given to the jury was made by Wendell Wade who said 10 to 15 'brothers' had gathered at the house, on the corner of Chestnut and 27th Streets, the night of the fight.

"GUNS ON FLOOR

"'All the guns were just lying around on the floor of the front room,' it read. 'There were rifles, carbines, shotguns and handguns of all types. There was also all kinds of ammunition.

"'Everyone picked out a weapon of his own choosing. I took an Astra automatic and three clips of ammunition. Eldridge Cleaver was acting as captain and he had an AR-15 rifle. I'm not sure how the organization got all these weapons. I don't know if any were stolen.'"

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On May 20, 1968, Sergeant [redacted], Alameda County Sheriff's Office, Oakland, California, advised that ELDRIDGE CLEAVER is incarcerated at the California Medical Facility, Vacaville, California, for violation of his parole by participating in the April 6, 1968, BPP incident; [redacted] is free on \$40,000.00 bail; and the others arrested in connection with this incident are incarcerated in the Alameda County Jail, Oakland, California, awaiting trial.

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The May 17, 1968, issue of the "San Francisco Chronicle" on Page 26, Columns 5 and 6, contained an article "Panthers Win Delay" which announced that the arraignment of seven Black Panthers of charges stemming from the April 6, Oakland shoot-out was postponed there yesterday until June 20, at the request of Panther Lawyer CHARLES R. GARRY. This article also stated:

"The postponement was granted after Garry requested the delay in an attempt to quash the original secret Grand Jury indictment charging the seven with attempted murder and lesser crimes..."

On May 7, 1968, Officer [redacted], Intelligence Unit, Oakland Police Department, advised that the Oakland Police Department had confiscated four handguns, 13 rifles and four shotguns from the BPP participants in the April 6, 1968, shoot-out with the Oakland Police.

The April 25, 1968, issue of the "Oakland Tribune" on Page 1, carried an article entitled "Shoot-out Result: 8 Indicted" which stated in part:

"The Alameda County Grand Jury exonerated Oakland Police in the shoot-out death of Black Panther Treasurer Bobby Hutton revealing that he had been nabbed by officers and was shot when he broke and ran from them.

"A formal statement of vindication from the jury accompanied the attempted murder indictment voted against eight Panthers arrested in connection with the April 6 West Oakland gun fight."

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The May 13, 1968 issue of the "San Francisco Examiner" on Page 16, Columns 1 and 2, contained an article captioned "Slain Panther's Kin Sue for 2.5 Million" which states in part as follows:

"The parents of Bobbie James Hutton, slain in Oakland April 6, files a \$2.5 million damage suit in federal court today, naming Oakland's chief of police and six officers as defendants.

"Mr. and Mrs. John D. Hutton charged in their action that the defendants 'deliberately, wilfully, maliciously and without justification, and knowing they had no justification,' shot and killed their son, thus 'depriving him of his life without due process.'

Hutton 18, treasurer of the Black Panther Party, was killed in the shooting, and two other Panthers and two policeman were wounded.

"The action named Oakland Police Chief Charles R. Gain, Captain 'John Doe' McCarthy; Sgt. 'John Doe' Howerton; and Patrolmen Robert Fredericks, Robert A. Coffman and John R. Schlim of Oakland and Owen C. Brown of Emeryville.

"It asked \$500,000 in damages, and the balance of the amount was sought as a punitive measure. The suit was filed by attorneys Clinton W. White, Donald Warden and Henry Ramsey, Jr."

On the afternoon of April 12, 1968, an Agent of the FBI observed approximately 2,500 persons predominantly Caucasian as they assembled at the Oakland Museum Park, Oakland, California in connection with the Black Panther Party memorial Gathering for BOBBY JAMES HUTTON. One of the main speakers at this event was JAMES FORMAN.

May 17, 1968, Sergeant [REDACTED], Alameda County Sheriff's Office, Oakland, California, made available a copy of a transcript of a recording made of the speech of JAMES FORMAN who was introduced as the Minister of Foreign Affairs of the BPP.

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An excerpt from this transcript is being quoted as follows:

"The memorial for Bobby Hutton, what can we say about Bobby Hutton? We can say that, first of all, he was born a revolutionary. Bobby Hutton was born a revolutionary. All black people are born revolutionary. They're born revolutionaries because they're born in a white racist society, a society which its racism permeates every level, permeates all of its economic structure, permeates all of its cultural and social activity. And that's a problem that all black people face who are born revolutionaries, and all of them are born revolutionaries, is whether or not they can keep the revolutionary birthright which they were born with. And when we look at Bobby Hutton, seventeen years old, seventeen years old, the first Panther, the first Panther, seventeen years old and the first Panther assassinated, slaughtered, shot down in the streets of Oakland we have to say that he died as a revolutionary. He was born a black revolutionary and he died a black revolutionary. For how many people seventeen years old are juvenile delinquents? How many people in the white community are hippies? They're not born revolutionaries * * *

"I know this is a dangerous territory to be talking about the hippies but that's a fact. The reason, the reason that weak people can escape into the hippie bag is because the revolutionary fever, which is the birthright of all black people, does not exist. Bobby Hutton lived as a revolutionary, he came into the Panther Party, he responded to the call of Huey Newton and Bobby Seale who said we must defend our communities; he was the first Panther -- this must be understood, he was the first Panther. All the Panthers that you see, including me, we came after the brother -- after him, he was the first Panther. At fifteen years old, or fourteen and a half, he said, 'I am prepared to pick up the gun and defend my community.' How many of us, who are even Panthers, were doing that at fourteen? He was the first Panther so he lived as a revolutionary. He was born a revolutionary because he was born black. He kept his revolutionary birthright by picking up the gun at fourteen and defending black people. He died a revolutionary at the age of seventeen in Oakland. And he died not only for black people but for the cause of all oppressed people around the world. And why did he have to pick up the gun, why did he have to become a revolutionary? Brother Bobby has explained it to you, he had to become a revolutionary because the hog is in the stream, the hog is in the stream, the hog is in the stream. The hog has been in the stream for some four, five, six hundred years. I'm talking about decadent western white civilization, that is the hog, that is the hog and what are the characteristics of a hog? It is an exploiting hog, it has to make money. Some call it capitalism, some call it imperialism, but damn it, it exploits black people. It raped Africa, it raped Asia, that is the hog. And what is the stream? The stream is humanity. Western civilization is blocking up humanity today, that's why the brothers said, Ho Chi Min, Castro, in their own way are fighting to get rid of the hog because he's jamming the stream of humanity. And Bobby Hutton understood that and anybody who

has read the ten points of the Black Panther Party understands that this a a revolutionary party which is out to jam up the hog's lust and kill him. And if necessary to take a butcher knife and slit his throat and let the blood run down into the stream. We understand that and we understand that sometimes when you kill hogs -- those of you know anything about killing them -- you've got to fatten them up first so he can't move too fast, and that's what has happened in this country. It's the fattest, richest country on the face of the earth but because this fat hog is ready for slaying, and it will be slain, that is a fact. That's a fact. That's a fact. It ain't written in the stars, it's written in the blood of oppressed people and black people in this country. Ain't no stars here, baby, we have been suffering, it's written in our veins, it's in our birthright. You digging it? All right, brother. I'm not attacking the stars but that's the reality, baby, * * *

"Now, what must we do to slay the hog? And that's when we're talking about we can not purify him. You cannot purify a hog, he is corrupt. You cannot give him any doses. That's what the Open Housing Bill is attempting to do, is to purify the hog but you can't. The hog is filthy all through and he's cancerous. And in order to get rid of the hog, we must rise up and seize and hold power. That's an important concept. Black people in this country must seize and hold power; must understand that the slogan is no longer Black Power but we must seize and hold power. And that's what's happening all around this country and in Tuskegee. The students locked up General Lucius Clay for fifteen hours along with the other board of directors. They used to have those Founders Day in Tuskegee where the white folks would come from New York and parade. Ellison wrote about it in The Invisible Man. But in 1968 the student body seized the campus and they held it -- doesn't matter they didn't hold it all that time. It's what's happening in Howard at

Howard Univerisity, North Carolina AMP, that's what's happening in our inner-cities or the ghettos. We are committed to seizing and holding power. And that's what's happening around the world and we all know that if we do not seise and hold power we cannot get rid of the pig. And the pig is not the correct description because the pig may be a cop in Oakland or a cop in Tallahassee or a cop in Selma or a cop in Memphis, but the pig comes from the hog. And the hog is white western civilization.

"Now, what is the Black Panther Party? It is a party committed to seizing and holding power. It is a revolutionary party, it is a revolutionary party. And the death of one of its members, the death of its first member -- and I say this to my brothers in the party and my sisters in the party -- we cannot cry any longer for Bobby Hutton. We have shed our last tear for that brother, nobody must weep any more for Bobby Hutton. Bobby is dead, he is in the ground and were he alive or at least could see -- you know, I don't believe in no Heaven-- but if he could understand what's happening here he would say, 'Don't cry for me. Weep no more for me. Go about taking care of business and organizing and getting more Panthers.'" And all of you black people who are out there who are not FBI agents, all of you who are out there who are not FBI agents and who do not join the party -- because the FBI agents going to join or we're going to have to purge them -- but all of those who are not FBI agents must join the Panther Party. Otherwise you're sitting out here being entertained. We are not here to entertain you. Our brothers are dying all over this world and in this country. Bobby is just one, he's just one but he was important because he was the first Panther and it was from him that all other things began to flow. And you must join the Panther Party if you are serious, if you're committed, if you share the sorrow of the other Panthers."

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On April 17, 1968, [redacted]
[redacted] Reno, Nevada, advised that on
March 28, 1968, he sold two "R.G." .38 caliber special revolvers,
Serial Numbers [redacted] and [redacted]; one Rossi .38 caliber special
revolver, Serial Number [redacted] and one Browning Automatic, Serial
Number [redacted] to [redacted] listing a residence of [redacted]
[redacted], San Francisco, California.

[redacted] may be identical to
[redacted], San Francisco,
California, who is a Section
Captain of the BPP.

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[redacted] also advised that on March 23, 1968, he sold three
Browning "F.N.", 9mm automatic pistols, made in Belgium, bearing
Serial Numbers [redacted] and [redacted] to [redacted] listing
an address of [redacted], Oakland, California.

As of April, 1968, [redacted]
was an activist member of the BPP.

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XII. BPP MERGER WITH STUDENT NON-VIOLENT COORDINATING COMMITTEE (SNCC)

A characterization of the SNCC
is found in the appendix pages.

At the February 17, 1968, HUEY P. NEWTON Defense
Fund rally, Oakland Municipal Auditorium, Oakland, California,
ELDRIDGE CLEAVER, Minister of Information, BPP, introduced
H. RAPP BROWN, Chairman of SNCC and announced that a merger
of the BPPSD and SNCC had taken place. CLEAVER said that BROWN
had been made the Minister of Justice, BPP. CLEAVER also intro-
duced JAMES FORMAN as the "International Director of SNCC"
and said that through the process of the merger FORMAN became
the Minister of Foreign Affairs, BPPSD. Also at this meeting,
CLEAVER bestowed upon STOKELY CARMICHAEL (former Chairman of

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SNCC) the title of Minister of Afro-America.

Agents of the FBI
2/17/68.

Excerpts from a transcript of a taped recording of the aforementioned rally as furnished by SF T-6 are set forth as follows:

JAMES FORMAN:

"-----I know the assassination plots on Brother CARMICHAEL and Brother BROWN and that we went up there to see Brother NEWTON in that jail and I say here as we have said before that we must pledge ourselves that if any of these men are assassinated that we will deal instant retribution and protracted retribution.

"Now let us be specific, let us be specific, we must talk about destroying some war factories if they are assassinated. (Applause). We must blow up some police stations if they are assassinated. (Applause) We must destroy some power plants if they are assassinated. (Applause) We must have a protracted retribution of some governors in this country and some mayors. (Applause) And above all we must have protracted retribution on these white piggish cops that occupy communities. (Applause)"

BOBBY GEORGE SEALE, Chairman - BPP:

"-----Every black man in this house should be against the war in Vietnam, he's got to be against the war in Vietnam because they are killing our brothers over there -----.

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"Now look, the Black Panther Party for Self-Defense is a revolutionary party. Revolution means to get down to the nitty-gritty and change this situation-----"

"-----When we organize in fashion right there in our homes, we're talking about power in our communities to control our communities, you know and, once we let the man know, say look, we (are) armed from block to block and we (are) gonna patrol you from our windows, and we (are) not going to have no brutalizing our people in the streets. Do you realize what kind of power black people have then? Because you begin to neutralize that police force because them cops (are) gonna start riding shaky and scared. In fact, we (are) in a position then to demand that they withdraw from our community because they occupy our community just like a foreign troop occupies territories."

H. RAPP BROWN:

"-----The only thing that's going to free you is gun powder. Black powder. (Applause) HUEY NEWTON is the only living revolutionary in this country today. He has paid his dues, he paid his dues. How many white folks you killed today? We're true revolutionaries. You're revolutionaries. CHE GUEVERA said, 'there is only two ways to leave the battle field, victorious or dead''. HUEY's in jail. That's no victory, that's concession. When black people become serious about the revolutionary struggle that they are caught up in, whether

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they recognize it or not, when they begin to go down and knock off people who are oppressing them and again to render these people impotent that's when the revolutionary struggle unfolds, not until--- (Applause)".

"Well, if you are revolutionaries, you must assume the revolutionary posture. Chairman MAO says power comes from the barrel of a gun. (Applause) Yes, politics is war without bloodshed and war is an extension of those politics. But, there is no politics in this country that is relevant to us, the black people ----.

"-----There is no such thing as a middle class. The man does not beat your head because you get a Cadillac or because you got a Ford. He beats you because you're black. Class structures are a luxury that we cannot afford. They cannot divide us by saying that you are middle-class or you're lower-class. He kills you because you're black. The concentration camps, they got 37 in this country and we and CARMICHAEL can't fill all of them. They got to take somebody else. (Applause)-----"

"-----In terms of the revolution, I believe the revolution will be a revolution of dispossessed people in this country. That's the Mexican-American, the Puerto Rican-American, the American Indian, and black people. We happen to be the vanguard of that revolutionary struggle because we are the most dispossessed.-----"

STOKELY CARMICHAEL:

"One of the ways of bringing our people home is by using patience, love, brotherhood, and unity, not force. Love, patience, brotherhood, and unity. We try, and we try, and we try. If they become a threat, we off them. (Applause) But we must begin to understand that in a concept of forming inside our community a united front, a black united front, which engulfs every sector, every facet, and every person inside our community working for the benefit of black people. And, that is for each other's survival. A lot of people in the bourgeoisie tell me that they don't like RAP BROWN when he says 'I'm going to burn the country down,' they get a poverty program. A lot of people say to me, we don't like the Black Panthers for Self Defense walking around with guns. I'll tell you now, if the hunkies in San Francisco take off the fighters who happen to represent the Black Panthers for Self Defense, ain't nobody in this community prepared to fight right now.

"Everybody gets offed, everybody gets offed. We need each other, we have to have each other for our survival, we have to have each other. From the revolutionaries to the conservatives, a black united front is what we're about.

"Wipe out of your minds the question of minority, wipe out of your minds the questions of technology, technology never decides a war. It is the will of a

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people that decides a war. It is the will of a people. (Applause) Wipe out of your mind the fact that we do not have guns. The Vietnamese didn't have it when they started, now they got American guns, American tanks, American everything. (Applause)

"If they come to get us they got to bring some to get some, we gonna take it and the guns, and the guns, and the guns. (Applause)

"And, unless we raise our minds to the level of consciousness where we have an undying love for our people, where we're willing to shed our blood like HUEY NEWTON did for our people, we will not survive. Now, there are many people who know that. All of the brothers sitting on the stage, all of the brothers around here. We all know that when something goes down, we are the first ones on. There's no question in any of our minds, only things gonna stop us today is a bullet, and we're spitting them back.

"But, the question is not whether or not we can move, how this entire black community moves for survival in a world that's clearly heading for a color clash. That is what we must ask ourselves. That is the only question. We can only do that by organizing our people, and orienting them toward an African ideology which speaks to our blackness. Nothing else. It's not a question right or left. It's a question black. You dig where we coming colored from, we coming from a black thing, that's where we're coming from. Because we can begin

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to pick up the threads of resistance that our ancestors laid down for us. And, unless we begin to understand our people as a people, we will not do that, because they will split us and divide us. That means consciously we have to begin to organize our people, organize our people, organize our people, organize our people, nothing else, organize our people. (Applause)

"We have no time for them, all our sweat, all our blood, even our life must go to our people. (Applause) We have to understand this consciously. Our youth must be organized with a revolutionary perspective.

"A revolutionary perspective says that we're fighting a war of liberation. In order to fight a war of liberation, you need an ideology of nationalism. We do not have this country. The nationalism can be nothing but black nationalism. It is insane to think of anything else. Black nationalism has to begin to be our ideology. While blackness is necessary, it is not sufficient, so we have to move on. We move on then to consciously organize in our community. And, we recognize today why we are organizing. We do not have the money to feed our people, so there's no use to say organize, we can get you a job. We can't get them. They control them. That is a fact. That isn't a reason for you to sit down, it is only more of a reason for you to fight, to think that you can't give your people a job. That's more than inspiration to fight, so can give them a job, rather than to sit down and say the hunkies got us on every end. They are not God. We are a

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beautiful race of people, we can do anything we want to do, all we got to do is get up, get up, get up. (Applause)

"Now then, we have to discuss very cold, the question of rebellion. It is a fact that they're prepared to meet rebellions anywhere in the cities. Now what is going to happen if one of our brothers get offed? What happens if they go ahead and off HUEY NEWTON? We must develop tactics where we do the maximum damage to them with minor damage to us. (Applause) And, when we move into that arena that means that this black community must be organized. So, if HUEY NEWTON goes and ten hunky cops goes, won't a black man in this community get up and open his mouth, 'cause if he does, he goes too. (Applause) That means that in organizing for the maximum damage against them, and the minor damage against us, we must be consciously aware of the fact that there will be people in our community that will be going around doing just that. In our community we see nothing, we hear nothing, we know nothing.

"We have to understand the politics of those hunkies in our community. They are there to patrol and to control it, that is all. We are going to do the patrolling, we are going to do the controlling. We are building a concept of peoplehood. We do not care about hunkies, but if in building that concept of peoplehood, the hunkies get in our way, they got to go, there is no question about it, no question about it. (Applause)

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"We are not concerned with their way of life, we are concerned with our people. We want to give our people the dignity and humanity that we know as our people. And, if they get in our way, they going to get offed. We're not concerned with their system. Let them have it. We want our way of life, and we're going to get it. We're going to get it or no body's going to have any peace on this earth."

XIII COALITION OF BPP AND
PEACE AND FREEDOM PARTY (PFP)

The December 22 through 28, 1967 issue of the "Berkeley Barb" published in Berkeley, California on Page 1, columns 1 through 3, carried an article entitled, "Common Cause" which stated in part as follows:

"The most militant Black organization in California, the Black Panther Party for Self-Defense, this week made common cause with the Peace and Freedom Party.-----

"The Black Panther's cooperation with the Peace and Freedom Party is based on the PFP stand on NEWTON's trial, according to the Panther's Minister of Information."

This article quotes the Minister of Information as stating in part as follows:

"We are joining with them because they are helping us on this issue. We feel that we have nothing to lose by supporting an element that supports a fair trial for HUEY NEWTON."

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"The fundamental principle we are working with is STOKELY CARMICHAEL's dictum of specific coalitions for specific purposes. We feel that this fits neatly into that framework."

In January 13 through 26, 1968, issue of the "Berkeley Barb" on Page 7, columns 1 through 3, carried an article entitled, "Panthers and Radicals" which states in part as follows:

"-----The Peace & Freedom-Panther alliance is tentative: that was clear from the beginning. Panthers, including BOBBY SEALE, do not consider themselves "members" of the PFP. Rather, the Black Panther Party for Self Defense is a "fraternal party" to PFP."

A mimeographed pamphlet of the Black Panther Party for Self-Defense entitled, "Ministry of Information -- Black Paper" sets forth the position of the Black Panther Party for Self-Defense on the 7th Congressional District election in Alameda County and the candidacy of JOHN GEORGE in the Democratic Party as presented to the Alameda County Peace and Freedom Party meeting, Berkeley, California, January 31, 1968, by KATHLEEN CLEAVER, Communications Secretary.

This leaflet states in part as follows:

"As a political party dedicated to resisting all forms of exploitation and aggression imposed upon the black community, the Black Panther Party for Self Defense views electoral politics as one tool that can be used for the benefit of the black community -- if it is not tied to the aims of the power structure. The formation of the Peace and Freedom Party in direct opposition to the Democratic Party, based primarily on the general inability of the people involved to support the war policy of LBJ and to tolerate the continued

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oppression of black people, as well as a rejection of the general cynicism, hypocrisy, and decadence of the existing political structures, indicates a healthy break on the part of the white community with the power structure. At this point it is merely a beginning and its future is not clear; however, on the basis of this break and on the basis of supporting HUEY P. NEWTON, we have formed a coalition for specific political purposes. By supporting HUEY NEWTON and recognizing him as a victim ... the political Freedom Party has been able to focus attention upon the interrelationship of black liberation and peace in Vietnam in a concrete way. So far, the focus of the Peace and Freedom Party has been on concepts instead of candidates. The Seventh Congressional District election offers the Alameda County Peace and Freedom Party the opportunity to combine concept with candidate in running HUEY P. NEWTON for Congress.---

"-----If for no other reason, running HUEY P. NEWTON for Congress would be a direct effort on the part of the Peace and Freedom Party to save HUEY's life and would be recognized and appreciated by the black community as such."

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3/25/68.

At the March 16, 1968, session of the Peace and Freedom Party State Convention, Richmond Auditorium, Richmond, California, ELDRIDGE CLEAVER, Minister of Information, BPP, gave a speech in which he read from a document entitled, "Black People--Revolution In The White Mother Country and National Liberation In The Black Colony." Excerpts from his speech are set forth as follows:

"The Black Panther Party believes that the era in which we now struggle can be characterized as the Age of Showdown - between Oppressed People Everywhere and the Racist Imperial Power Structure. The era can be further defined as that in which significant sectors of the exploiters have turned away from the system, have declared war upon the system that has warped their lives and tainted their existence at the same time that it was doing the same thing and worse to those whom it oppresses. We recognize these alienated people as allies or potential allies in a struggle against a common enemy.

"We start with the basic definition: that black people in America are a colonized people in every sense of the term and that white America is an organized imperialist force holding black people in colonial bondage. From this definition, our task becomes clearer: what we need is a revolution in the white mother country and national liberation for the black colony....

"Ideally, we need a revolutionary organization that is able to, guided by revolutionary ideology and comprehending the necessity involved, move in two directions at the same time....

"The Black Panther Party and the Peace and Freedom Party in the Bay Area (San Francisco, Alameda, and Contra Costa Counties, California) have been experimenting over the past few months with a very narrow coalition around a very broad subject. The focal point of the coalition is now, and always been,

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the case of HUEY P. NEWTON, Minister of Defense, Creator and Leader of the Black Panther Party. Although the coalition has been narrow and limited, tentative and viewed with mutual suspicion, it has in fact unleashed political forces with explosive local impact and national implications....

"We have offered our leader, Minister of Defense HUEY P. NEWTON, as a candidate for the 7th Congressional District of Alameda County, and we have offered our Chairman, BOBBY SEALE, as a candidate for the 17th Assembly District. In San Francisco, we have offered our communications secretary, KATHLEEN CLEAVER, for a candidate in the 18th Assembly District. The advantages in doing this are manifold. First and foremost, we are interested in settling HUEY P. NEWTON free."

SF T-6 in 3/25/68

Handbills widely distributed in the San Francisco Bay Area, California, (Alameda, Contra Costa and San Francisco Counties) in April, 1968, announced the candidacy of HUEY P. NEWTON for U.S. Congress from the Seventh Congressional District and BOBBY SEALE for California State Assembly from the 17th Assembly District as Black Panther Party write-in candidates in ballot slots offered by the Peace and Freedom Party. These leaflets indicate that the PFP supports the 10 point program of the BPP and demands that HUEY P. NEWTON be set free.

SF T-6
5/7/68.

The May 14, 1968 issue of the "San Francisco Chronicle" on Page 7, Columns 1 through 4 contains an article captioned "Prison Decision--CLEAVER Running For President", which states in part as follows:

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"ELDRIDGE CLEAVER, the imprisoned Black Panther leader announced his candidacy yesterday for the Presidency of the United States. CLEAVER will run against comedian DICK GREGORY for nomination next July of the Peace and Freedom Party-----".

"KATHLEEN CLEAVER in announcing the candidacy of her husband read from a long statement which stated in part, 'If white people as well as black can accept the national leadership of a black revolutionary, then a margin of possibility remains, however, slim, that America may avert the impending holocaust.'"

XIV CONNECTIONS WITH THE
REVOLUTIONARY ACTION
MOVEMENT:

A characterization of the Revolutionary Action Movement (RAM) is contained in the appendix.

Four Negro males, all wearing beards, reportedly from the San Francisco, California area and associated with the BPPSD within that area arrived in New York City area reportedly about March 16, 1968. The names of these four individuals reportedly were ELDRIDGE CLEAVER, [REDACTED],

[REDACTED] These individuals attended a benefit rally to provide funds for bail for [REDACTED] a reported leader of RAM currently in jail in Queens, New York, on March 17, 1968. The rally was held at the Renaissance Ballroom, Harlem, New York City.

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3/22/68.

[REDACTED] was as of March, 1968, reported to be affiliated with the Black Student Union (BSU), San Francisco State College (SFSC) which is recognized by the Administration of SFSC as a student organization.

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The transcript of the taped recording provided by SF T-6 in connection with the speeches made at the HUEY P. NEWTON Defense rally, February 17, 1968, Oakland, California, contains a speech given by ELDRIDGE CLEAVER, Minister of Information, BPP, who acted as master of ceremonies at this event. An excerpt from CLEAVER's speech is quoted as follows:

-----To see from your own experience from the fears that we have known in our hearts, we know how hard it is to take that step to face that pig with his gun. But there are blackmen rising up today who are willing to do that, who are not afraid to do that.

"Brother ROBERT WILLIAMS did it. But he didn't have us stay together, so he had to leave. The brother is in exile and we say that we respect that brother and that we want to bring him home. We want to bring him home. (Applause) And I say to you that we will not be free, we will not have any liberty until we can put brother ROBERT WILLIAMS on the stage. We gotta be able to do that. (Applause) And we declare that it is one of the primary goals of the BPPSD to bring brother ROBERT WILLIAMS home. We're gonna do that. (Applause)"

A characterization of ROBERT WILLIAMS is contained in the characterization of PAM.

XV CONNECTIONS WITH THE BLACK STUDENT UNION (BSU), SFSC, SAN FRANCISCO, CALIFORNIA:

On March 15, 1968, Inspector [redacted] Office of the District Attorney, Alameda County, California, Oakland, advised that during the period of October 21, 1967 to February 15, 1968, [redacted]

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[redacted] and [redacted] of SFSC of San Francisco, California, had purchased 64 hand guns from [redacted] Reno, Nevada. Two of these weapons were confiscated on February 25, 1968 by the Berkeley Police Department, Berkeley, California, in the arrest of [redacted] and his wife [redacted] [redacted] and four of their associates.

On March 15, 1968, Officer [redacted] [redacted] Intelligence Unit, Oakland Police Department, advised that [redacted] and [redacted] were reported to be affiliated with the Black Student Union, SFSC, San Francisco, California.

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XVI CONNECTION WITH THE AFRO-
AMERICAN STUDENTS UNION

The November 6, 1967 issue of "The Daily Californian" student newspaper, University of California, Berkeley, on Page 10, Column 1, contained an article "Rally Topics: War Resister, Black Panther", which states in part as follows:

"-----JIM NABORS, Vice Chairman of the Afro-American Students Union on campus-----made a plea for money to support NEWTON's upcoming defense.

"NABORS told the crowd that NEWTON's only crime was 'being born black'. He called the dead policeman, JOHN F. FREY, a 'brute' who beat black people in the ghettos and whites at the Oakland Induction Center.

"-----Appealing for funds, NABORS told the crowd 'there is more money on this campus than there is in the whole black

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ghetto. We want some of the money
our forefathers made for you. It's
our baby. Give it back.'

The Afro-American Students
Union is recognized by the
Administration, University
of California, Berkeley, as
a student organization.

A characterization of the BPP
is contained in the Appendix.

BLACK PANTHER PARTY, aka
Black Panther Party for
Self Defense

A source advised that the Black Panther Party for Self Defense (BPPSD) was formed by HUEY PERCY NEWTON, Minister of Defense, and BOBBY GEORGE SEALE, Chairman, in December, 1966, as a militant black nationalist political organization to combat "police brutality," to unite militant black youth, and to determine the destiny of black communities. The political philosophy was taken from writings of Chairman MAO Tse-tung of Communist China and black militant writers.

In March, 1968, the name of the organization was changed to Black Panther Party (BPP).

The official BPP publication, "The Black Panther Party - Black Community News Service," states that the BPP advocates use of guns and guerrilla tactics in their violent revolutionary program to end oppression of black people.

On February 17, 1968, ELDRIDGE CLEAVER, Minister of Information, announced merger of the BPP and Student Nonviolent Coordinating Committee (SNCC) and bestowed title of Minister of Justice, BPP, upon H. RAP BROWN, Chairman of SNCC.

SNCC is a militant Negro organization
which preaches black supremacy.

NEWTON, aforementioned, is incarcerated in the Alameda County Jail, Oakland, California, awaiting trial on charge of murder of an Oakland police officer.

Headquarters of BPP and Huey P. Newton Defense Fund are located at 4421 Grove Street, Oakland, California.

1.

REVOLUTIONARY ACTION MOVEMENT

On November 3, 1964, a source made available a document entitled, "The Revolutionary Action Movement Manifesto", the document having been obtained by the source from an individual known to be a member of the Revolutionary Action Movement (RAM).

This document stated, in part, that RAM was officially organized in the Winter of 1963 by Afro-Americans who support the revolutionary objectives of ROBERT F. WILLIAMS, then residing in Cuba, and his concept of organized violence to achieve the liberation of the Afro-American people in the United States. This Manifesto disclosed that RAM had oriented its program to one of education and political revolution and the organization of a "black" political party with revolutionary objectives, having recognized the need for a "black revolution" that could and would seize power. RAM philosophy is described in this document as one of revolutionary nationalism, that is, one involving the struggles of the non-white races of the world against exploitation and enslavement by the white capitalist and imperialist nations.

Regarding WILLIAMS, it should be noted that on August 28, 1961, a Federal warrant was issued at Charlotte, North Carolina, charging him with Unlawful Flight to Avoid Prosecution for the crime of kidnaping. Subsequent to the issuance of this warrant, WILLIAMS fled the United States to Cuba, where he published a monthly newsletter entitled, "The Crusader" from Havana. As of December, 1966, WILLIAMS was residing in Peking, China.

This source, in September, 1964, advised RAM is dedicated to the overthrow of the capitalist system in the United States, by violence, if necessary, and to its replacement by a socialistic system oriented toward the Chinese Communist interpretation of Marxism-Leninism. RAM is entirely non-white in membership, clandestine in nature, and owes its primary allegiance to the "Bandung World", that is, the non-white races of the world rather than to any national entity, as such.

APPENDIX

2.

REVOLUTIONARY ACTION MOVEMENT (CONTINUED)

On November 16, 1964, a second source advised he learned recently from a RAM member that the organization began in Detroit, Michigan, largely under the impetus of DON FREEMAN, described as the "Father" of RAM and referred to as RAM's "Black Stalin". FREEMAN served as RAM Chairman, with MAXWELL STANFORD (now of Philadelphia, Pennsylvania) serving as RAM Field Chairman.

On May 12, 1967, a third source advised that the RAM still remains active; however, there is no formal headquarters, as such, for the RAM. The source advised that MAXWELL STANFORD of Philadelphia, Pennsylvania, is considered the leader of RAM and if a RAM headquarters ever existed, it will most likely be where STANFORD resides.

APPENDIX

~~CONFIDENTIAL~~STUDENT NONVIOLENT COORDINATING COMMITTEE

Literature distributed by the Student Nonviolent Coordinating Committee (SNCC), headquartered at 360 - 362 Nelson Street, S.W., Atlanta, Georgia, describes itself as not being a membership organization, but rather an agency attempting to stimulate and foster the growth of local protest movements. SNCC was born out of the sit-in movement which erupted across the South beginning on February 1, 1960. A conference at Raleigh, North Carolina, that Spring, brought together many of the demonstrating Southern students in a loose network of militant youth which was officially named SNCC in October, 1960.

A source has advised that in May, 1966, STOKELY CARMICHAEL was elected National Chairman by the Central Committee. In May, 1967, CARMICHAEL was replaced as Chairman by H. RAP BROWN, with CARMICHAEL assuming the position of Recruiter and Organizer for the SNCC. In August, 1967, at the invitation of FIDEL CASTRO, CARMICHAEL participated in the Organization of Latin American Solidarity Conference which was held in Havana, Cuba. Subsequent thereto, CARMICHAEL traveled to Hanoi and other sections of North Vietnam. He returned to the United States in December, 1967, at which time his passport was picked up because of travel to unauthorized countries.

A source advised that when CARMICHAEL was elected Chairman of SNCC, the organization embarked on a program of eliminating Caucasians from its ranks. With the election of H. RAP BROWN as Chairman in 1967, it embarked on a worldwide struggle for human rights and to take a firm stand against violations of these rights by the American Government and to strengthen its programs of opposition to the draft and to the United States involvement in Vietnam.

Literature distributed in February, 1968, identifies SNCC as an organization in the revolutionary vanguard. It advocates that to be successful it is necessary to develop a revolutionary ideology and revolutionary program.

On August 13, 1967, while addressing a group in the Watts area of Los Angeles, California, H. RAP BROWN said, "You better shape up America, or we'll burn you down." Later in February, 1968, in a publicized note BROWN wrote, "America, if it takes my death to organize my people to revolt against you and to organize your jails to revolt against you and to organize your children, your God, your poor, your country, and to organize mankind to rejoice in your destruction and ruin, then here's my life."

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APPENDIX



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

San Francisco, California

SF 157-1204

May 23, 1968

Title BLACK PANTHER PARTY, aka
 Black Panther Party for
 Self-Defense

Character PACIAL MATTER

Reference Report of [REDACTED]
 dated and captioned as above at
 San Francisco, California.

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All sources (except any listed below) whose identities are concealed in referenced communication have furnished reliable information in the past.

ALL INFORMATION CONTAINED
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DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL

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